

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-12768
Issue No.: 4002
Case No.: [REDACTED]
Hearing Date: April 14, 2011
DHS County: Macomb (50-36)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37, and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on April 14, 2011. Claimant appeared and testified. [REDACTED], Claimant's Authorized Hearing Representative, appeared and acted as interpreter for Claimant. [REDACTED], and [REDACTED], appeared and testified for the Department of Human Services (DHS).

ISSUE

Whether DHS properly denied Claimant's State Disability Assistance (SDA) application?

FINDINGS OF FACT

The Administrative Law Judge, based on competent, material, and substantial evidence in the record and on the entire record as a whole, finds as fact:

1. On [REDACTED] Claimant entered the United States as a documented alien.
2. On October 25, 2010, Claimant applied for SDA benefits with DHS.
3. Claimant is a permanent resident alien in the United States.
4. On November 15, 2010, DHS denied Claimant's application, stating she was not eligible for SDA because Permanent Resident Aliens are not qualified for SDA unless they are a qualified military alien or specified family member, or they have at least forty countable Social Security work credits, or they were lawfully living in

the U.S. on August 22, 1996, and were receiving Supplemental Security Income then or are blind or disabled now.

5. On December 8, 2010, Claimant filed a Request for a Hearing with DHS.

CONCLUSIONS OF LAW


SDA provides financial assistance for disabled persons and is established by 2004 Michigan Public Acts (PA) 344. DHS administers the SDA program pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules 400.3151-400.3180. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

The DHS manuals are operating manuals providing policy and procedures for all DHS activity on a day-to-day basis. I find that BEM 225, "Citizenship/Alien Status," specifies on page 26 exactly which individuals are eligible for six different types of benefits. BEM 225 states that a Permanent Resident Alien is not eligible for SDA benefits except under three situations: (1) they are a qualified military alien or relative of a qualified military alien; (2) the person has at least forty countable Social Security work credits; or (3) the person is currently living in the U.S., they were also here on August 22, 1996, and they either received SSI benefits then or are blind or disabled now.

In conclusion, based on the findings of fact and conclusions of law above, I find that DSH acted correctly in this case and DHS is AFFIRMED. DHS need take no further action in this matter.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS DHS' action. DHS need not take further action in this matter.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 21, 2011

2011-12768/JL

Date Mailed: April 25, 2011

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

JL/pf

cc:

