

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-37725
Issue No.: 2024
Case No.: [REDACTED]
Hearing Date: August 15, 2011
Macomb County DHS (36)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Monday, August 15, 2011. The Claimant appeared and testified. [REDACTED] translated the Claimant's testimony and [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly denied the Claimant's application for Medical Assistance ("MA") and State Disability Assistance ("SDA") based on the failure to meet the residency requirements?

FINDINGS OF FACT

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

1. On May 4, 2011, the Claimant submitted an application for public assistance seeking MA and SDA benefits.
2. On the application, the Claimant mistakenly indicated that she did not intend on remaining in Michigan. (Exhibit 1)
3. As a result, on May 13, 2011, the Department denied the Claimant's application based on the failure to meet the residency requirements. (Exhibits 2, 3)

4. On May 24, 2011, the Department received the Claimant's written request for hearing. (Exhibit 4)

CONCLUSIONS OF LAW

The Medical Assistance program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services, formerly known as the Family Independence Agency, pursuant to MCL 400.10 *et seq.* and MCL 400.105. Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Tables ("RFT").

The State Disability Assistance program, which provides financial assistance for disabled persons, was established by 2004 PA 344. DHS administers the SDA program pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code ("MAC R") 400.3151 – 400.3180. Department policies are found in BAM, BEM, and RFT. A person is considered disabled for SDA purposes if the person has a physical or mental impairment which meets federal SSI disability standards for at least ninety days. Receipt of SSI or RSDI benefits based on disability or blindness, or the receipt of MA benefits based on disability or blindness automatically qualifies an individual as disabled for purposes of the SDA program.

A person must be a Michigan resident in order to be eligible for benefits. BEM 220. For MA purposes, an individual is a Michigan resident if s/he lives in Michigan (except for a temporary absence) and intends to remain in Michigan permanently or indefinitely. BEM 220. Additionally, a client, or a member of the fiscal group, is considered a resident if s/he entered the state for employment purposes and has a job commitment or is seeking employment. BEM 220. For SDA purposes, a person is a resident if s/he is not receiving assistance from another state, is living in Michigan (except for a temporary absence), and intends to remain in the state permanently or indefinitely. BEM 220. An individual's statement to remain in Michigan is accepted unless the statement is inconsistent or conflicts with known facts. BEM 220.

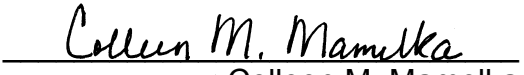
In this case, the Claimant submitted an application for MA and SDA benefits on May 13, 2011. In response to the question "Do you or your household intend to remain in Michigan (MI)?" the Claimant answered, "No." The Claimant testified that she had mistakenly answered the question incorrectly and that she was confused. Unfortunately, the Department was unaware of the error until after the application was denied on May 13, 2011 based on the failure to meet the residency requirements. Under these facts, the Department established it acted in accordance with Department policy when it denied the Claimant's May 13th application. Accordingly, the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds the Department acted in accordance with Department policy when it denied the Claimant's May 13th application based on the failure to meet the residency requirements.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.



Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: August 16, 2011

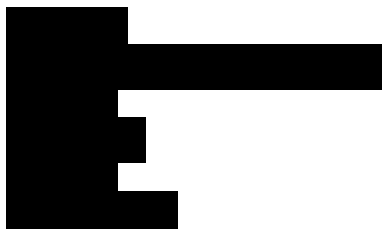
Date Mailed: August 16, 2011

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.

CMM/cl

cc:


Mamelka