#### STATE OF MICHIGAN

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

IN THE MATTER OF:

Reg No.: 2012-5462 Issue No.: 4000

Case No.:

Hearing Date: January 18, 2012

Wayne County DHS (17)

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 De troit, Michigan on Wednesday, January 18, 2012. The Claimant appeared and te stified.

Department of Human Services ("Department").

## <u>ISSUE</u>

Whether the Department properly denied the Claimant's applic ation for State Disab ility Assistance ("SDA") benefits?

#### FINDINGS OF FACT

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

- 1. The Claimant submitted an application for SDA benefits on July 13, 2011.
- 2. The Claimant participates, and has participated with, the Michigan Rehabilit ative Services ("MRS") since May 2, 2011.
- 3. On September 23, 2011, the Department denied the Claimant's SDA application.
- 4. On October 19, 2011, the Department received the Claimant's timely written request for hearing protesting the denial of SDA benefits.

### **CONCLUSIONS OF LAW**

The State Disability Assist ance program, which pr ovides financial assistance for disabled persons, was established by 2004 PA 344. DHS administers the SDA program

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pursuant to MCL 400.10 et seq. and Mich Admin Code, Rules 400.3151 – 400.3180. Department policies are found in BAM, BEM, and RFT. A person is considered disabled for SDA pur poses if the person has a physical or mental impairment which meets federal SSI disability standards for at I east 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.

The law pr ovides that disposition may be made of a contest ed case by s tipulation or agreed settlement. MCL 24. 278(2).

In this case, the Department agreed to reprocess the Claimant 's July 13, 2011 SDA application in light of the Claimant's acti ve MRS participation. The Claimant was amenable to this resolution. In light of the accord, there is no further issue that needs to be addressed.

# **DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law the Department's actions are not upheld.

# Accordingly, it is ORDERED:

- 1. The Department's denial of SDA benefits is not upheld.
- 2. The Department shall, as agreed, initiate processing of the Jul y 13, 2011 application in accordance with Department policy.
- 3. The Department shall not ify the Claimant of the det ermination in accordance with Department policy.
- 4. The Department shall supplement for lo st benefits (if any) that the Claimant was entitled to receive with respect to the July 13, 2011 applic ation if otherwise eligible and qualified in accordance with Department policy.

Colleen M. Mamelka

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

Date Signed: January 23, 2012

Date Mailed: January 23, 2012

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**NOTICE**: Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not order a rehearing or reconsideration on the Department's mo tion where the final decis ion cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases)

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

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
  - misapplication of manual policy or law in the hearing decision,
  - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
  - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at Michigan Administrative Hearings

Re

consideration/Rehearing Request

P. O. Box 30639

Lansing, Michigan 48909-07322

# CMM/cl

