

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-58535
Issue No.: 4031
Case No.: [REDACTED]
Hearing Date: September 6, 2012
County: St. Clair

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon Claimant's request for a hearing made pursuant to Michigan Compiled Laws 400.9 and 400.37, which govern the administrative hearing and appeal process. After due notice, a telephone hearing was commenced on September 6, 2012, from Lansing, Michigan. Claimant personally appeared and testified. Participants on behalf of the Department of Human Services (Department) included Family Independence Manager [REDACTED]

ISSUE

Whether the Department of Human Services (the department) properly denied Claimant's application for State Disability Assistance (SDA) for the month of February, 2012?

FINDINGS OF FACT

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

- (1) On January 10, 2012, Claimant filed an application for SDA benefits alleging disability.
- (2) On May 21, 2012, the Medical Review Team (MRT) denied Claimant's application for MA-P, indicating Claimant's non-severe impairment lacked duration, pursuant to 20 CFR 416.909. (Department Exhibit A, pp 30-31).
- (3) On May 23, 2012, the department sent out notice to Claimant that her application for SDA had been denied.

- (4) On June 4, 2012, Claimant filed a request for a hearing to contest the department's negative action.
- (5) On July 20, 2012, the State Hearing Review Team (SHRT) upheld the denial of SDA benefits indicating there was no indication in the medical records that Claimant was limited to bed rest and therefore, her pregnancy would not limit her from all types of work for 90 days or more. (Department Exhibit B).
- (6) Claimant has a history of pregnancy.
- (7) Claimant is a 30 year old woman whose birthday is [REDACTED]. Claimant is 5'5" tall and weighs 229 lbs. Claimant completed high school. She has not worked since February, 2010.
- (8) Claimant was appealing the denial of Social Security disability benefits at the time of the hearing.

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, Rules 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RTM).

Current legislative amendments to the Act delineate eligibility criteria as implemented by department policy set forth in program manuals. 2004 PA 344, Sec. 604, establishes the State Disability Assistance program. It reads in part:

Sec. 604 (1) The department shall operate a state disability assistance program. Except as provided in subsection (3), persons eligible for this program shall include needy citizens of the United States or aliens exempt from the Supplemental Security Income citizenship requirement who are at least 18 years of age or emancipated minors meeting one or more of the following requirements:

(b) A person with a physical or mental impairment which meets federal SSI disability standards, except that the minimum duration of the disability shall be 90 days. Substance abuse alone is not defined as a basis for eligibility.

Specifically, this Act provides minimal cash assistance to individuals with some type of severe, temporary disability which prevents him or her from engaging in substantial gainful work activity for at least ninety (90) days.

"Disability" is:

. . . the inability to do any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months. 20 CFR 416.905. [SDA = 90 day duration].

[As Judge] We are responsible for making the determination or decision about whether you meet the statutory definition of disability. In so doing, we review all of the medical findings and other evidence that support a medical source's statement that you are disabled. 20 CFR 416.927(e).

The credible testimony and medical records, in particular those from her treating physician placing her on bed rest at week 24 of her pregnancy until 6 weeks after she delivered, verify Claimant was legally disabled for ninety (90) days, but no longer. As such, the department's denial of SDA pursuant to Claimant's January 10, 2012 SDA application cannot be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department erred in determining that Claimant was not disabled by SDA eligibility standards for the month of February, 2012.

Accordingly, the department's decision is **REVERSED**, and this case is returned to the local office to determine whether Claimant met all the other financial and non-financial eligibility factors necessary to qualify for SDA.

It is SO ORDERED.

/s/

Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: September 21, 2012

Date Mailed: September 21, 2012

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cc:

