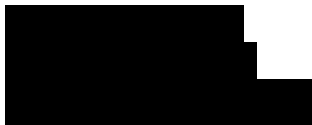


STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201248454  
Issue No: 4000  
Case No: [REDACTED]  
Hearing Date: May 31, 2012  
Arenac County DHS

**ADMINISTRATIVE LAW JUDGE:** Christopher S. Saunders

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on March 31, 2012. Claimant personally appeared and provided testimony.

**ISSUE**

Whether the department properly closed the claimant's State Disability Assistance (SDA) case?

**FINDINGS OF FACT**

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

1. The claimant was a recipient of State Disability Assistance (SDA).
2. On April 11, 2012, the department sent the claimant a notice of case action (DHS 1605) stating that his SDA case would be closing effective May 1, 2012 because he was no longer participating in Michigan Rehabilitation Services (MRS).
3. The claimant filed a hearing request April 16, 2012, protesting the closure of his SDA case.

**CONCLUSIONS OF LAW**

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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 MAC R 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In order for an individual to be eligible for SDA benefits, they must be disabled, caring for a disabled person, or age 65 or older. BEM 261. Policy also provides that there are other instances where an individual will be eligible for SDA benefits. Policy states as follows:

### **Other Benefits or Services**

Persons receiving one of the following benefits or services meet the SDA disability criteria:

- Retirement, Survivors and Disability Insurance (RSDI), due to disability or blindness.
- Supplemental Security Income (SSI), due to disability or blindness.
- Medicaid (including deductible) as blind or disabled if the disability/blindness is based on:
  - An disability examiner (DE)/medical review team (MRT) determination, or
  - A hearing decision, or
  - Having SSI which was based on blindness or disability that was recently terminated (within the past 12 months) for financial reasons; see Recently Eligible for SSI in BEM 260.  
Medicaid received by former SSI recipients based on policies in BEM 150 under SSI TERMINATIONS, including MA While Appealing Disability Termination, does not qualify a person as disabled for SDA. Such persons must be certified as disabled or meet one of the other SDA qualifying criteria. See Medical Certification of Disability in this item.
- Michigan Rehabilitation Services (MRS). A person is receiving services if he has been determined eligible for MRS and has a signed active

individual plan for employment (IPE) with MRS. Do **not** refer or advise applicants to apply for MRS for the purpose of qualifying for SDA.

- Michigan Commission for the Blind (COB). A person is receiving services if he has been determined eligible for COB and has an active COB case.

- Special education services from the local intermediate school district.

To qualify, the person may be:

- Attending school under a special education plan approved by the local Individual Educational Planning Committee (IEPC);

**or**

- Not attending under an IEPC approved plan but has been certified as a special education student **and** is attending a school program leading to a high school diploma or its equivalent, **and** is under age 26. The program does not have to be Designated as special education as long as the person has been certified as a special education student. Eligibility on this basis continues until the person completes the high school program or reaches age 26, whichever is earlier.

- Refugee or asylee who lost eligibility for SSI due to exceeding the maximum time limit. BEM 261.

In the case at hand, the claimant was approved for SD benefits based on his participation in MRS. When the department discovered that the claimant was no longer participating in MRS, the claimant's SDA benefits were terminated. The claimant has asserted that he is eligible for SDA benefits based on disability, but the claimant's application was denied by the Medical Review Team. The claimant has appealed that determination, but the appeal is still pending. Given that the claimant's appeal of the MRT decision is still pending, there is no evidence that the claimant is eligible for SDA benefits absent participation in MRS. Therefore, the claimant does not meet the required eligibility factors for SDA benefits. Accordingly, the Administrative Law Judge finds that the department acted properly in accordance with policy in closing the claimant's SDA case after learning that the claimant was no longer participating in MRS.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly closed the claimant's SDA case.

Accordingly, the department's actions are **AFFIRMED**.

It is SO ORDERED.

/s/

Christopher S. Saunders  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: June 22, 2012

Date Mailed: June 22, 2012

**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 receipt 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.

CSS/cr

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