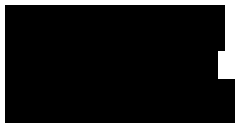


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201265133
Issue No: 4013
Case No: [REDACTED]
Hearing Date: October 3, 2012
Ingham 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 October 3, 2012. Claimant personally appeared and provided testimony.

ISSUE

Whether the department properly denied the claimant's State Disability Assistance (SDA) application?

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 submitted an application for SDA benefits due to an inpatient stay for substance abuse treatment.
2. On June 15, 2012, the claimant notified the department that she had completed her treatment and moved back home with her husband as of June 13, 2012.
3. The claimant's husband was then added to her case and her application was processed.
4. The income of the claimant's husband was included into the claimant's eligibility budget. (Department Exhibit 3-4).
5. The department determined that the claimant's countable income exceeded the allowable amount and on June 15, 2012, sent the claimant a notice of case action (DHS 1605) stating that her application for SDA

assistance was being denied due to excess income. (Department Exhibits 5-6).

6. On July 12, 2012, the claimant filed a request for hearing protesting the denial of her SDA application.

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 Bridges Reference Manual (BRM).

In relation to determining eligibility for SDA benefits, policy states as follows:

Eligibility Determination Group

The **eligibility determination group (EDG)** means those adults living together whose information is needed to determine SDA Eligibility. Only an adult individual and his or her spouse who live together are included in an SDA EDG.

Living Together Living together means sharing a home except for temporary absences.

Temporary Absence

A temporarily absent person is considered to be living in the home when **all** of the following are true:

- His location is known.
- He plans to return.
- He lived with the group before the absence.
- The absence has lasted or is expected to last 30 days or less.

Exception: A person is considered living in the home, even after 30 days, when absence is due to hospitalization, education or training. BEM 214.

In the case at hand, the claimant did not dispute the amount the department used as her husband's income, she disputed that her husband should be included in her EDG and therefore his income included in her budget. Policy clearly states that spouses living together must be included in the EDG and therefore, their income included in the budget. In this case, the department determined that the claimant's countable income was \$ [REDACTED]. The income limit for the SDA program is \$200.00 (RFT 255). Accordingly, the department determined that the claimant exceeded the allowable income limit and denied the claimant's application. This Administrative Law Judge finds that the department properly included the claimant's husband in her EDG and properly denied the claimant's SDA application.

DECISION AND ORDER

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

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: October 31, 2012

Date Mailed: October 31, 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.

201265133/CSS

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

cc:

