

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201314384
Issue No.: 4001
Case No.: [REDACTED]
Hearing Date: February 6, 2013
County: Wayne DHS (18)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on February 6, 2013 from Detroit, Michigan. Participants included the above-named claimant. [REDACTED] testified on behalf of Claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly denied Claimant's application for State Disability Assistance (SDA) due to Claimant not claiming to be a disabled individual.

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 10/12/12, Claimant applied for cash assistance.
2. Claimant's application noted that Claimant was employed.
3. Claimant's application noted that there were no members of Claimant's household who were unable to work full-time.
4. On 10/22/12, DHS denied Claimant's request for SDA on the basis that Claimant did not alleged to be disabled.

5. On 11/16/12, Claimant requested a hearing to dispute the denial of cash assistance and a termination of Food Assistance Program (FAP) benefits (effective 11/2012).
6. Claimant testified that she no longer disputes the FAP benefit termination.

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. DHS administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. DHS policies for SDA are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

DHS has two types of cash assistance programs, Family Independence Program (FIP) and SDA benefits. It was not disputed that Claimant was neither pregnant or a caretaker to dependent children at the time of her application. Thus, Claimant was not entitled to FIP benefits. There was a dispute concerning whether Claimant was disabled, or at least whether she claimed to be disabled.

SDA provides financial assistance to disabled adults who are not eligible for Family Independence Program (FIP) benefits. BEM 100 (10/2012), p. at 4. The goal of the SDA program is to provide financial assistance to meet a disabled person's basic personal and shelter needs. *Id.* To receive SDA, a person must be disabled, caring for a disabled person, or age 65 or older. BEM 261 at 1. Claimant contended that she reported to DHS that she was disabled and that DHS failed to evaluate her for SDA eligibility.

During the hearing, DHS retrieved Claimant's Assistance Application dated 10/12/12. Being unable to work full-time due to a physical or mental issue is a functionally acceptable definition of disability. The Assistance Application reads, "List anyone applying for assistance who is physically or mentally unable to work full-time". In response, Claimant checked the box stating "none". Claimant also went on to list her name along with diabetes in the space asking for the name of household members that are unable to work.

It is questionable whether Claimant was trying to report to DHS that she was disabled. On one hand, she was employed and listed "none" as to the members of her household that were disabled. On the other hand, Claimant listed herself as a disabled member of the household.

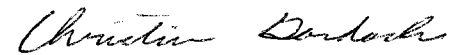
Claimant reported conflicting information to DHS. Generally, conflicting information should not be interpreted favorably for the party creating the conflict.

Also, Claimant was employed at the time of her application. Generally, being disabled and employed is inconsistent (though not impossible).

Based on the presented evidence, it is found that Claimant did not report that she was a disabled individual. Accordingly, DHS properly did not evaluate Claimant for SDA benefits. As discussed during the hearing, the proper remedy for Claimant is to reapply for cash benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly did not evaluate Claimant for SDA benefits because Claimant did not claim to be disabled. The actions taken by DHS are AFFIRMED.



Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 11, 2013

Date Mailed: February 11, 2013

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (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 timely 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 **MAY** 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
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

