

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No: 201331009  
Issue No: 4031  
Case No: [REDACTED]  
Hearing Date: July 18, 2013  
Muskegon County DHS

**ADMINISTRATIVE LAW JUDGE:** Suzanne D. Sonneborn

**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 received by the Department of Human Services (department) on February 11, 2013. After due notice, a telephone hearing was held on July 18, 2013. Claimant appeared and provided testimony. The department was represented by [REDACTED], an assistance payments supervisor with the department's Muskegon County branch office.

**ISSUE**

Whether the department properly determined Claimant's eligibility for State Disability Assistance (SDA) benefits?

**FINDINGS OF FACT**

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

1. Claimant was a recipient of SDA benefits at all times relevant to this hearing pursuant to an Individualized Plan for Employment with [REDACTED]. (Department Exhibits 4, 5, 11)
2. On or about January 29, 2013, the department obtained verification from [REDACTED] that Claimant's Individualized Plan for Employment was expected to expire in January 2013 and had not been replaced with a new plan. (Department Exhibit 5)
3. On January 29, 2013, the department mailed Claimant a Notice of Case Action (DHS 1605) advising Claimant that his SDA benefits would be closed effective March 1, 2013 for the reason that he no longer met the criteria for eligibility for the program. (Department Exhibit 8)

4. On February 4, 2013, Claimant submitted a hearing request protesting the department's closure of his SDA benefits. (Request for Hearing)

### **CONCLUSIONS OF LAW**

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. Department of Human Services Bridges Administrative Manual (BAM) 600 (2011), p. 1. The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in sections 400.901 to 400.951 of the Michigan Administrative Code (Mich Admin Code). An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. Mich Admin Code R 400.903(1).

The State Disability Assistance (SDA) program was established by 2004 PA 344 and is a financial assistance program for individuals who are not eligible for the Family Independence Program (FIP) and are either disabled or the caretaker of a disabled person. 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 policy provides that persons receiving Michigan Rehabilitation Services (MRS) meet the SDA eligibility criteria. BEM 261, p. 2. Specifically, 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. BEM 261, p. 2.

At the July 18, 2013 hearing, the department's representative, [REDACTED], testified that she contacted [REDACTED] in January 2013 and learned that Claimant's IPE, which was expected to end in January 2013, had not been renewed. Consequently, the department closed Claimant's SDA benefits effective March 1, 2013 because Claimant's eligibility for such benefits was derived solely from his receipt of [REDACTED] through an active IPE.

Claimant testified that his IPE with [REDACTED] did indeed expire on January 30, 2013; however, he was currently in the process of establishing a new plan with a [REDACTED] specialist, as evidenced by recent correspondence Claimant received from [REDACTED] dated July 2, 2013. (Claimant Exhibit A)

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record and finds that, based on the competent, material, and substantial evidence presented during the July 18, 2013 hearing, the department acted in accordance with policy in closing Claimant's SDA benefits effective March 1, 2013 based on the undisputed January 30, 2013 expiration of Claimant's individualized plan of employment with [REDACTED].

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department acted in accordance with policy in closing Claimant's SDA benefits effective March 1, 2013 based on the undisputed January 30, 2013 expiration of Claimant's individualized plan of employment with [REDACTED]. Accordingly, the department's action in this regard is **UPHELD**.

/s/

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Suzanne D. Sonneborn  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: July 24, 2013

Date Mailed: July 25, 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.

The Claimant may appeal this 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 errors, or other obvious errors in the hearing decision that affect the substantial rights of Claimant;

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- The failure of the ALJ to address other relevant issues in the hearing decision.

A request for a rehearing or reconsideration must be submitted through the local DHS office or directly to MAHS by mail at:

Michigan Administrative Hearings System  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, MI 48909-07322

SDS/aca

cc:

