

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201367207
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: October 16, 2013
County: Marquette

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on October 16, 2013, from Lansing, Michigan. Claimant was represented by his authorized representative [REDACTED]. Participants on behalf of the Department of Human Services (Department) included ES [REDACTED]. This case was incorrectly marked as having a hearable Medical Assistance (MA) issue. For purposes of reporting, the Medical Assistance (MA) dismissal code is included on this Decision and Order.

ISSUE

Did the Department properly deny Claimant's application for State Disability Assistance (SDA)?

FINDINGS OF FACT

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

1. An application was submitted on behalf of Claimant for State Disability Assistance (SDA) based on his participation with Michigan Rehabilitative Services (MRS).
2. On July 12, 2013, a Verification Checklist (DHS Form 3503) was sent to Claimant requesting verification of other in-state benefits (MRS participation).
3. On August 6, 2013, Claimant was sent a Notice of Case Action (DHS-1605) which stated his State Disability Assistance (SDA) application was denied.

4. On August 12, 2013, Claimant's authorized representative [REDACTED] submitted a request for hearing.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

The critical factor in this case is Claimant's status with Michigan Rehabilitative Services (MRS). An MRS letter to Claimant dated May 22, 2013 was submitted into evidence. The MRS letter states that Claimant is eligible for MRS services and provides information on developing an Individual Plan for Employment (IEP). Department of Human Services Bridges Eligibility Manual (BEM) 261 Disability - SDA (2012) page 2 states that a person is eligible for State Disability Assistance (SDA) if they have been determined eligible for MRS and have a signed active individual plan for employment (IPE) with MRS.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied Claimant's application for State Disability Assistance (SDA).

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

/s/

Gary F Heisler
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 11/05/2013

Date Mailed: 11/05/2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

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

GFH/sw

cc:

