

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2013-44315
Issue No.: 4008
Case No.: ██████████
Hearing Date: June 27, 2013
County: Wayne (31)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 June 27, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ ██████████, Family Independence Specialist.

ISSUE

Did the Department properly ☒ deny Claimant's application ☐ close Claimant's case for:

- | | |
|---|--|
| ☐ Family Independence Program (FIP)? | ☐ Adult Medical Assistance (AMP)? |
| ☐ Food Assistance Program (FAP)? | ☒ State Disability Assistance (SDA)? |
| ☐ Medical Assistance (MA)? | ☐ Child Development and Care (CDC)? |

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 April 16, 2013, Claimant applied for SDA benefits. Exhibit 1.
2. On April 22, 2013, the Department sent Claimant a Notice of Case Action notifying her that her SDA application was denied effective May 16, 2013, ongoing, due to her son not being eligible for SDA benefits. Exhibit 1.

3. On April 24, 2013, Claimant filed a hearing request, protesting the denial of the application. Exhibit 1.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

☒ The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and Michigan Administrative Rule 400.3151 through Rule 400.3180.

As a preliminary matter, Claimant's request for hearing identified that she had an Authorized Hearing Representative (AHR). See Exhibit 1. However, the AHR was not present for the hearing. Claimant testified that she wanted to proceed with the hearing without her AHR present.

In this case, on April 16, 2013, Claimant applied for SDA benefits. Exhibit 1. The Department testified that Claimant applied for SDA benefits for herself and her two sons. See Hearing Summary, Exhibit 1. Moreover, the Department testified that Claimant and one of her sons are not disabled. See Hearing Summary, Exhibit 1. However, the Department also testified that Claimant's other son is disabled and receives Supplemental Security Income (SSI), which makes him ineligible to receive State Disability Income. See Hearing Summary, Exhibit 1. Thus, on April 22, 2013, the Department sent Claimant a Notice of Case Action notifying her that her SDA application was denied effective May 16, 2013, ongoing, due to her son not being eligible for SDA benefits. Exhibit 1.

To receive SDA, a person must be disabled, *caring for a disabled person*, or age 65 or older. BEM 261 (January 2012), p. 1; emphasis added. A person is disabled for SDA purposes if he/she is certified as unable to work due to mental or physical disability for at least 90 days from the onset of the disability. BEM 261, p. 1. Persons receiving SSI, due to disability or blindness meets the SDA disability criteria. BEM 261, p. 1.

Moreover, a caretaker of a disabled person may receive SDA provided that the assistance of the caretaker is medically necessary for at least 90 days and the caretaker and the disabled person live together. BEM 261, p. 3. Assistance means personal care services and includes meal preparation, laundry, food shopping, errands, light cleaning, non-nursing personal care (bathing, dressing, etc.) and assistance with medication. BEM 261, p. 3. The disabled person does not have to be related to the caretaker or receive SDA. BEM 261, p. 3.

SDA is a cash program for individuals who are not eligible for FIP and are disabled or the caretaker of a disabled person. BEM 214 (January 2010), p. 1. An SDA eligibility

determination group (EDG) consists of either a single adult or adult and spouses living together. BEM 214, p. 1. An individual is considered an adult for SDA when he or she is age 18 or older or has been emancipated. BEM 214, p. 1. The eligibility determination group (EDG) means those adults living together whose information is needed to determine SDA Eligibility. BEM 214, p. 1. Only an adult individual and his or her spouse who live together are included in an SDA EDG. BEM 214, p. 1. The certified group (CG) means those persons in the EDG who meet all non-financial SDA eligibility factors. BEM 214, p. 1. Countable income and assets of CG members are always considered in determining SDA eligibility. BEM 214, p. 1.

At the hearing, Claimant testified that she is a caretaker of her son who is disabled. Claimant testified that she and her son live together. The Department confirmed that Claimant's son does receive SSI by providing an SOLQ report. See Exhibit 1.

Based on the foregoing information and evidence, the Department improperly denied Claimant's SDA application. The Department testified that Claimant's son is disabled and receives SSI, which makes him ineligible. Thus, the Department sent the Notice of Case Action which stated that Claimant's son is ineligible for SDA. See Exhibit 1. However, Claimant is the caretaker of a disabled person who is her son. The Department should have run eligibility to determine if Claimant is eligible for SDA benefits because she is a caretaker of a disabled person. BEM 261, pp. 1-3. Moreover, the SDA EDG consists of a single adult, which the Claimant falls under the EDG category. BEM 214, p. 1. Thus, the Department improperly denied Claimant's SDA application effective May 16, 2013, ongoing, in accordance with Department policy. BEM 214, p. 1 and BEM 261, pp. 1-3.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

☐ properly denied Claimant's application ☒ improperly denied Claimant's application
☐ properly closed Claimant's case ☐ improperly closed Claimant's case

for: ☐ AMP ☐ FIP ☐ FAP ☐ MA ☒ SDA ☐ CDC.

DECISION AND ORDER

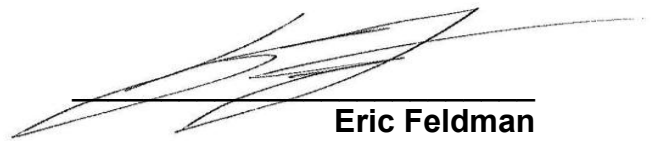
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

☐ did act properly. ☒ did not act properly.

Accordingly, the Department's ☐ AMP ☐ FIP ☐ FAP ☐ MA ☒ SDA ☐ CDC decision is ☐ AFFIRMED ☒ REVERSED for the reasons stated on the record.

☒ THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reregister the April 16, 2013 SDA application;
2. Initiate eligibility to determine if Claimant is SDA eligible;
3. Begin reprocessing the application/recalculating the SDA budget for May 16, 2013, ongoing, in accordance with Department policy;
4. Issue supplements to Claimant for any SDA benefits she was eligible to receive but did not from May 16, 2013, ongoing; and
5. Notify Claimant of its SDA decision in writing in accordance with Department policy.



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 10, 2013

Date Mailed: July 10, 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 affect the substantial rights of the claimant,
 - failure of the ALJ to address other relevant issues in the hearing decision.

2013-44315/EJF

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

EJF/cl

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