

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-21633
Issue No(s): 4007
Case No.: [REDACTED]
Hearing Date: March 25, 2014
County: Wayne County DHS #57

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 March 25, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED], the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Medical Contact Worker, and [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly determine the group size and benefit amount for Claimant's State Disability Assistance (SDA) case?

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 February 29, 2012, Claimant applied for SDA.
2. On November 13, 2013, a Hearing Decision was issued finding Claimant disabled for purposes of the SDA program.
3. Claimant was approved for SDA in the amount of \$ [REDACTED]
4. On January 10, 2014, Claimant filed a hearing request contesting the household size of one and benefit amount of \$ [REDACTED] for her SDA case.

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.

SDA is a cash program for individuals who are not eligible for FIP and are disabled or the caretaker of a disabled person. An SDA eligibility determination group (EDG) consists of either a single adult or adult and spouse living together. 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. BEM 214 (1-1-2010) p. 1.

The certified group must be in financial need to receive benefits. Need is determined to exist when budgetable income is less than the payment standard established by the department. The payment standard is the maximum benefit amount that can be received by the certified group. Income is subtracted from the payment standard to determine the grant amount; see BEM 518. BEM 515 (12-1-2011) p. 1.

For all applications filed on or after October 1, 2011, the SDA monthly assistance payment standard is \$ [REDACTED] for an individual. RFT 225 (10/1/2011) p. 1.

In this case, the Claimant asserts her 13 year old daughter should be included in the SDA group and the benefit amount should be more than \$ [REDACTED]

The Department confirmed Claimant previously received cash assistance through the Family Independence Program (FIP), which would have included Claimant's child in the household composition and affected the monthly benefit amount. However, the Medical Contact Worker and Eligibility Specialist credibly testified Claimant has exceeded the time limits for the FIP program. Accordingly, Claimant is no longer eligible for FIP. (See BEM 234) Therefore, Claimant's eligibility was considered for SDA. SDA is different cash assistance program with separate eligibility requirements, policies and benefit amounts.

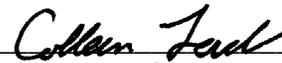
This ALJ understands that Claimant previously received a cash assistance benefit that included her daughter in the eligibility group and likely had a higher monthly benefit amount for the group; specifically cash assistance benefits through the FIP program. However, Claimant is no longer eligible for FIP due to exceeding the maximum time limits for receiving cash assistance through that program. Because Claimant is no longer eligible for FIP and was found disabled pursuant to the November 13, 2013 Hearing Decision, the Department properly considered Claimant's eligibility for the SDA program. Under the BEM 214 policy, Claimant's 13 year old daughter cannot be included in the SDA eligibility determination group. This policy only allows for either a single adult or adult and spouse living together to be included in the SDA eligibility determination group. There was no evidence Claimant has a spouse living with her. Therefore, the Department properly determined Claimant's group size was one for the

SDA program. Further, the evidence establishes that Claimant is receiving \$200, the maximum allowable SDA benefit amount for an individual for an SDA application filed after October 1, 2011, pursuant to the BEM 515 and RFT 225 policy.

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 determined the group size and benefit amount for Claimant's SDA case.

DECISION AND ORDER

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



Colleen Lack
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 16, 2014

Date Mailed: April 16, 2014

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

CL/hj

cc:

