

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

**IN THE MATTER OF:**

██████████  
████████████████████  
██

Reg. No.: 14-011378  
Issue No.: 4001  
Case No.: ██████████  
Hearing Date: November 06, 2014  
County: MACOMB (36)

**ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton**

**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 November 6, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and ██████████, Claimant's son/Interpreter. Participants on behalf of the Department of Human Services (Department) included ██████████, Hearing Facilitator.

**ISSUE**

Did the Department properly close Claimant's State Disability Assistance (SDA) benefits because her group's income exceeded allowable limits?

**FINDINGS OF FACT**

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

1. Claimant was an ongoing recipient of SDA benefits.
2. On July 24, 2014, Claimant submitted a Redetermination which listed her husband as a household member.
3. Claimant's husband receives \$735.00 per month in unearned income.
4. On August 15, 2014, the Department sent Claimant a Notice of Case Action notifying her that her SDA benefits would close effective September 1, 2014 because her group's countable income exceeded the income limit to receive SDA benefits.

5. On August 26, 2014, Claimant filed a Request for Hearing disputing the Department's actions.

### **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 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

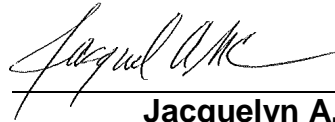
Additionally, a client's SDA group for budgeting purposes consists of both the individual and the individual's spouse who lives with the individual and does not receive FIP, Refugee Cash Assistance, or a refugee matching grant. BEM 214 (April 2014), p. 2. Claimant was a recipient of SDA benefits. On July 24, 2014, Claimant submitted a Redetermination which indicated that her husband was residing in the home. Prior to the Redetermination, Claimant's husband's income had not been counted when determining her eligibility for SDA benefits. On August 15, 2014, the Department sent Claimant a Notice of Case Action notifying her that her SDA benefits would close effective September 1, 2014 because the group's countable income exceeded the limit for SDA benefits.

Claimant testified that her husband had been in the home for some time and stated that she did not understand why her SDA benefits were closed. Department policy holds that an individual and spouse cannot earn more than \$315.00 per month and qualify for SDA benefits. RFT 225 (December 2013), p. 1. Claimant's husband receives \$721.00 in social security benefits and an average of \$14.00 State Supplemental Payment benefits for a total unearned income of \$735.00. Claimant does not have any income. Because Claimant's husband's income is more than \$315.00 per month, it is found that the Department properly closed Claimant's SDA benefits as the group's income exceeds the allowable limit.

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 policy when it closed Claimant's SDA benefits effective September 1, 2014.

**DECISION AND ORDER**

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



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**Jacquelyn A. McClinton**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: **11/12/2014**

Date Mailed: **11/12/2014**

JAM / cl

**NOTICE OF APPEAL:** A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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 48909-8139

CC: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]