

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

IN THE MATTER OF:

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Reg. No.: 14-007993
Issue No.: 4001
Case No.: ██████████
Hearing Date: October 15, 2014
County: WAYNE-DISTRICT 41

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 15, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and her husband, ██████████, for whom Claimant served as translator of the hearing. Participants on behalf of the Department of Human Services (Department) included ██████████, Hearings Liaison.

ISSUE

Did the Department properly deny Claimant's State Disability Assistance (SDA) application due to excess income?

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 July 3, 2014, Claimant submitted an application for SDA. (Exhibit 1)
2. On July 11, 2014, the Department sent Claimant a Notice of Case Action informing her that the application had been denied on the basis that the group's countable income exceeds the limit for the program. (Exhibit 2)
3. On July 17, 2014, Claimant submitted a hearing request 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.

In order to be eligible for SDA benefits, an individual must be in financial need. BEM 515 (July 2013), p 1; BEM 518 (July 2013), p 1. At application, financial need exists when the certified group's budgetable income is less than the applicable payment standard. BEM 515, p 1; BEM 518, p 1. The Department subtracts budgetable income from the applicable payment standard for the application month. BEM 518, p 1. The SDA payment standard is \$315 for an individual and her spouse, living in an independent living arrangement, such as Claimant's and her husband. RFT 225 (December 2013), p 1.

In this case, Claimant submitted an application for SDA benefits on behalf of her husband, which was denied by the Department on the basis that the group's countable income exceeded the applicable payment standard. The Department testified that because Claimant and her spouse are deemed to be members of the same eligibility determination group (EDG) and certified group (CG) for SDA purposes, income and asset information of both members is considered to determine eligibility for SDA, regardless of which member is seeking assistance. BEM 214 (April 2014), pp. 1-2.

Although the Department did not provide a budget for review at the hearing, the Department testified that in calculating the group's countable income for SDA purposes, it considered Claimant's monthly unearned income from SSI benefits, in the amount of \$721. Claimant confirmed that she receives monthly SSI benefits of \$721 and the Department presented an SOLQ in support of its testimony. (Exhibit 3).

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 because Claimant's budgetable income of \$721 exceeded the SDA payment standard of \$315, the Department did act in accordance with Department policy when it denied Claimant's SDA application due to the group's countable income exceeding the limit.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **10/21/2014**

Date Mailed: **10/21/2014**

ZB / 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

