

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201425160
Issue No.: 4001
Case No.: [REDACTED]
Hearing Date: April 2, 2014
County: Oakland County DHS #2

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 April 2, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] and [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly deny the Claimant's application for State Disability Assistance (SDA) benefits?

FINDINGS OF FACT

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

1. The Claimant was an ongoing recipient of Medical Assistance (MA) and State Disability Assistance (SDA) based on disability.
2. The Department initiated a medical review into whether the Claimant continues to be disabled as of December 1, 2013.
3. On November 4, 2013, the Medical Review Team (MRT) determined that the Claimant has experienced medical improvement and is no longer disabled.
4. In December of 2013, the Claimant submitted an application for State Disability Assistance (SDA) benefits.
5. On January 3, 2014, the Department notified the Claimant that it had denied her State Disability Assistance (SDA) application.

6. The Department received the Claimant's request for a hearing on January 16, 2014, protesting the denial of her State Disability Assistance (SDA) application.

CONCLUSIONS OF LAW

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 Department's Program Eligibility Manual contains the following policy statements and instructions for caseworkers regarding the State Disability Assistance program: to receive State Disability Assistance, a person must be disabled, caring for a disabled person or age 65 or older. Department of Human Services Bridges Eligibility Manual (BEM) 261 (July 1, 2013), pp 1-8. Because the Claimant does not meet the definition of disabled under the MA-P program and because the evidence of record does not establish that the Claimant is unable to work for a period exceeding 90 days, the Claimant does not meet the disability criteria for State Disability Assistance benefits either.

SDA applicants who are already receiving MA based on their own disability or blindness meet the medical eligibility up to the medical review date stated on the DHS- 49-A as determined by the MRT. This client must meet all financial and non-financial factors for SDA. Department of Human Services Bridges Administrative Manual (BAM) 815 (July 1, 2013), p 3.

In this case, the Claimant was a recipient of State Disability Assistance (SDA) and Medical Assistance (MA) benefits based on disability. The Department initiated a medical review of the Claimant's continuing eligibility to receive these benefits with a review date of December 1, 2013. On November 4, 2013, the Medical Review Team (MRT) determined that the Claimant has experienced medical improvement and is no longer considered to be disabled. On December 12, 2013, the Department notified the Claimant that her State Disability Assistance (SDA) application had been denied.

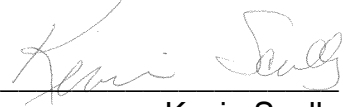
The Claimant is not eligible to receive benefits based on disability after December 1, 2013, based on the findings of the Medical Review Team (MRT) that she is no longer disabled. Since the Claimant no longer meets the disability criteria for Medical Assistance (MA) based on disability, she is not eligible for State Disability Assistance (SDA) for the same reasons.

Therefore, the Department was acting in accordance with policy when it denied her application for State Disability Assistance (SDA) benefits.

DECISION AND ORDER

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 the Claimant's State Disability Assistance (SDA) application.

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



Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: April 15, 2014

Date Mailed: April 15, 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

201425160/KS

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

KS/hj

cc:

