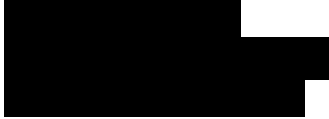


**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 2014-31108
Issue No(s): 4001
Case No.: [REDACTED]
Hearing Date: May 5, 2014
County: Wayne (49)

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 May 5, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist and [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly close 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. Claimant was an ongoing recipient of SDA benefits.
2. On January 10, 2014, the Department sent Claimant a Medical Determination Verification Checklist instructing him to submit a signed Individual Plan for Employment (IPE), as his previous IPE had ended on October 17, 2013. The Department requested that Claimant submit the updated IPE by January 21, 2014. (Exhibit 1)
3. On February 6, 2014, the Department sent Claimant a Notice of Case Action informing him that effective March 1, 2014, his SDA case would be closed on the basis that he was not aged, blind, disabled, under 21, pregnant, or

parent/caretaker of dependent child. The Notice also indicated that a disability/blindness determination had been made by DHS. (Exhibit 2)

4. On March 3, 2014, Claimant submitted a hearing request disputing the case closure.

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.

Additionally, a person is disabled for SDA purposes if he receives other specified disability-related benefits or services. BEM 261. Such specified disability-related benefits or services include Michigan Rehabilitation Services (MRS). BEM 261. A person is receiving MRS services if he has been determined eligible for MRS and has a signed active individual plan for employment (IPE) with MRS. BEM 261 (July 2013), p.2.

In this case, the Department stated that on January 2, 2014, Claimant completed a Redetermination for his Food Assistance Program (FAP) case. The Department testified that in reviewing Claimant's eligibility to receive FAP benefits, it discovered that the Individual Plan for Employment (IPE) for Claimant's SDA case had ended effective October 17, 2013. The Department testified that on January 10, 2014, it sent Claimant a Medical Determination Verification Checklist instructing him to submit a current signed IPE to the Department by January 21, 2014. (Exhibit 1). Although not presented for review at the hearing, the Department stated that on January 30, 2014, Claimant submitted the expired copy of his old IPE.


At the hearing, Claimant stated that he went to MRS to obtain an updated IPE. Claimant testified that he submitted to the Department an active updated IPE for the period of January 2014 to June 2014. Despite Claimant's testimony that he submitted the IPE on three occasions, Claimant could not recall specific dates of when he provided the Department with the document.

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 there was no active IPE with MRS provided to the Department by the January 21, 2014, due date, the

Department acted in accordance with Department policy when it determined that Claimant was no longer eligible for SDA benefits.

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: May 15, 2014

Date Mailed: May 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
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

2014-31108/ZB

ZB/tf

cc:

