

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

IN THE MATTER OF:

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

Reg. No.: 14-015522
Issue No.: 4001
Case No.: ██████████
Hearing Date: January 07, 2015
County: Macomb-District 20

ADMINISTRATIVE LAW JUDGE: Alice Elkin

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 January 7, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and ██████████, Claimant's authorized hearing representative (AHR). Participants on behalf of the Department of Human Services (Department) included ██████████, Hearing Facilitator.

During the hearing, Claimant waived the time period for the issuance of this decision in order to allow for the submission of additional records. The documents were received, and the record was closed on January 26, 2015. The matter is now before the undersigned for a final determination.

ISSUE

Did the Department properly deny Claimant's August 22, 2014 application for State Disability Assistance (SDA) benefits?

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 August 20, 2014, Claimant submitted an application for public assistance seeking SDA benefits.
2. On October 20, 2014, the Medical Review Team (MRT) found Claimant not disabled.
3. On October 22, 2014, the Department sent Claimant a Notice of Case Action denying the application based on MRT's finding of no disability.

4. On November 3, 2014, the Department received Claimant's timely written request for hearing.
5. Claimant alleged mental disabling impairment due to attention deficit hyperactivity disorder (ADHD) and Asperger's syndrome.
6. On the date of the hearing, Claimant was [REDACTED] years old with a [REDACTED], birth date; she is [REDACTED] in height and weighs about [REDACTED] pounds.
7. Claimant graduated from high school and is attending college part-time.
8. Claimant has no employment history of work.
9. Claimant's impairments have lasted, or are expected to last, continuously for a period of 90 days or longer.

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 Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

SDA is a cash program for individuals who are not eligible for Family Independence Program (FIP) benefits and are disabled or the caretaker of a disabled person. BEM 214 (April 2014), p. 1. To receive SDA, a person must be disabled, caring for a disabled person, or age 65 or older. BEM 261 (July 2014), p. 1. A person is disabled for SDA purposes if he:

- receives other specified disability-related benefits or services, or
- resides in a qualified Special Living Arrangement facility, or
- is certified as unable to work due to mental or physical disability for at least 90 days from the onset of the disability, or
- is diagnosed as having Acquired Immunodeficiency Syndrome (AIDS).

BEM 261, pp. 1-2.

A client who is eligible for Michigan Rehabilitation Services (MRS) and has a signed, active individual plan for employment (IPE) with MRS qualifies as receiving "other benefits or services" and is SDA-eligible. BEM 261, p. 2.

In this case, the Department denied Claimant's SDA application after MRT concluded that Claimant was not disabled. However, in her November 2, 2014, request for hearing disputing MRT's finding that she was not disabled, Claimant indicated that she was participating in Michigan Rehabilitative Services (MRS). After the hearing, she provided an IEP signed by her MRS worker and herself on June 26, 2014. A current (within the last 12 months) signed copy of a client's IEP is sufficient verification of a client's participation in MRS services. BEM 26, p. 7. Because Claimant was an MRS participant with an active IEP at the time of her August 22, 2014 SDA application, Claimant was participating in other benefits or services making her eligible for SDA benefits on the basis of a disability.

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 did not act in accordance with Department policy when it denied Claimant's SDA application.

DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reregister and reprocess Claimant's August 22, 2014 SDA application to determine if all the other non-medical criteria are satisfied;
2. Issue supplements to Claimant for any SDA benefits she was eligible to receive but did not from August 22, 2014 ongoing; and
3. Notify Claimant in writing of its decision



Alice Elkin
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **2/6/2015**

