

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

IN THE MATTER OF:

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

MAHS Reg. No.: 15-016960
Issue No.: 4001
Agency Case No.: ██████████
Hearing Date: November 05, 2015
County: Wayne-District 19

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

HEARING DECISION

Following Petitioner'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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on November 5, 2015, from Detroit, Michigan. Petitioner represented himself. The Department of Health and Human Services (Department) was represented by ██████████, Hearing Facilitator.

ISSUE

Did the Department properly deny Petitioner's August 17, 2015 application for State Disability Assistance (SDA)?

FINDINGS OF FACT

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

1. Petitioner is a recipient of \$1268 in monthly Retirement, Survivors and Disability Insurance (RSDI) benefits (Exhibit B).
2. On August 17, 2015, Petitioner applied for SDA and Medical Assistance (MA) benefits (Exhibit A, pp. 2-9).
3. On August 21, 2015, the Department sent Petitioner a Notice of Case Action denying the SDA application because his countable income exceeded the limit for SDA eligibility (Exhibit A, pp. 25-26).
4. On September 1, 2015, Petitioner filed a request for hearing disputing the Department's denial of his SDA application.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

As a preliminary matter, it is noted that at the hearing Petitioner also raised a concern regarding his MA case. Hearing requests must be filed at the client's local Department office to be processed according to Department policy before being forwarded to MAHS. BAM 600 (October 2015), p. 5. In this case, Petitioner completed a hearing request concerning his MA case and mailed it directly to the Michigan Administrative Hearing System (MAHS). However, the current hearing was scheduled by MAHS in response to Petitioner's September 1, 2015 hearing request, which concerned only Petitioner's SDA case. Therefore, the hearing proceeded to address only Petitioner's SDA issue. The Department acknowledged that it had received Petitioner's subsequent hearing request and stated that the request would be forwarded to the appropriate department agency so a hearing could be scheduled.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Health and Human Services (formerly known as the Department of Human Services) 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. Financial need exists when the individual's budgetable income is less than the applicable payment standard and the client passes the issuance deficit test. BEM 515, p 1; BEM 518, p 1. To perform the issuance deficit test, the Department subtracts budgetable income from the applicable payment standard for the benefit month. BEM 518, p 1. The SDA payment standard is \$200 for an individual living alone in an independent living arrangement. RFT 225 (December 2013), p. 1.

In this case, the Department presented an SDA income test budget showing that Petitioner's monthly RSDI of \$1268 exceeded the \$200 SDA payment applicable to his living circumstances (Exhibit A, p. 14). Petitioner confirmed his monthly RSDI income, and the SOLQ showed that, consistent with Petitioner's testimony, Petitioner was issued \$1268 in monthly RSDI income (Exhibit B). Petitioner was not eligible for any disregards or deductions to his income. See BEM 518, pp. 5-6. Therefore, his budgetable income is \$1268. Because Petitioner's \$1268 monthly budgetable income exceeded the \$200 SDA payment standard that applied to his case, the Department properly denied Petitioner's SDA application due to excess income.

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 Petitioner's SDA application.

DECISION AND ORDER

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



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **11/13/2015**

Date Mailed: **11/13/2015**

ZB / tlf

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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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]
[REDACTED]