



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
Christopher Seppanen  
Executive Director

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: [REDACTED] June 15, 2017  
MAHS Docket No.: 17-002879  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Carmen G. Fahie

### **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 [REDACTED], from [REDACTED], Michigan. Petitioner was represented by himself, and his sister, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Medical Contact Worker.

### **ISSUE**

Did the Department properly determine that Petitioner had excess income 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 was a recipient of SDA with a redetermination due.
2. On [REDACTED], the Medical Review Team (MRT) denied Petitioner's application for SDA, per BEM 261, because the medical review of continuing eligibility for SDA disabled was denied per 20 CFR 416.994.
3. On [REDACTED], the Department Caseworker sent Petitioner a notice that his application was denied.

4. On [REDACTED], the Department received a hearing request from Petitioner, contesting the Department's negative action.
5. Petitioner was approved for Social Security RSDI benefits effective [REDACTED] in the amount of \$ [REDACTED].

### **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).

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 this case, Petitioner was a recipient of SDA with a redetermination due. On [REDACTED], the MRT denied Petitioner's application for SDA, per BEM 261, because the medical review of continuing eligibility for MA disabled was denied per 20 CFR 416.994. On [REDACTED], the Department Caseworker sent Petitioner a notice that his application was denied. On [REDACTED], the Department received a hearing request from Petitioner, contesting the Department's negative action. Petitioner was approved for Social Security (SS) RSDI benefits effective [REDACTED] in the amount of \$ [REDACTED]. BEM 260 and 261.

BEM 518, page 3

#### **RCA and SDA Only**

Financial need exists if there is at least a \$10.00 deficit after income is budgeted.

If there is no deficit, the group is ineligible for assistance. Certify denial or closure in Bridges for the benefit month unless the group meets the conditions for temporary ineligibility.

During the hearing, it was brought to this Administrative Law Judge that Petitioner had been approved for SS RSDI benefits in the amount of \$ [REDACTED]. As a result, Petitioner is no longer eligible for SDA benefits because his RSDI exceeds the amount provided by the \$ [REDACTED] SDA benefit.

**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 determined that Petitioner had excess income for SDA.

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

CF/bb



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**Carmen G. Fahie**  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

**NOTICE OF APPEAL:** A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

**DHHS**

[REDACTED]

**Authorized Hearing Rep.**

[REDACTED]

**Petitioner**

[REDACTED]