



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: September 6, 2017
MAHS Docket No.: 17-008793
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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; 42 CFR 438.400 to 438.424; 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 August 10, 2017, from [REDACTED] Michigan. Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator. [REDACTED], ES, also appeared for the Department. Department Ex. 1, pp. 1-17 was received and admitted. Petitioner Exhibit A, pp. 1-3 was received and admitted.

ISSUE

Did the Department properly determine Petitioner's State Disability Assistance (SDA) benefit amount?

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 applied for SDA on April 18, 2017.
2. Petitioner is a resident of a long term care facility.
3. Petitioner receives \$ [REDACTED] per month SSA benefits.
4. On June 1, 2017, the Department issued a Notice of Case Action informing Petitioner that she was eligible for SDA in the amount of \$ [REDACTED] for the time period

between May 16, 2017, and May 31, 2017, and \$ [REDACTED] per month ongoing per month effective June 1, 2017.

5. On June 30, 2017, Petitioner requested hearing contesting the amount of SDA benefit.

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.

Long-Term Care (LTC) Facility SDA Only

LTC facilities must be licensed by LARA. Typically, such a facility provides meals, lodging and some level of medical care, for which Medicaid funding is received. Eligible residents receive the **incidentals allowance only**. BEM 615

There are three situations for which policy exceptions may be approved and issued on the policy decision form by the MDHHS and/or MSA central offices for case specific situations:

- There is no existing policy in manuals or numbered bulletins that applies in a specific case.
- A policy exception is needed for use in a specific case due to a new legal decision or a new law or regulation that is not yet official MDHHS policy.
- **FIP, SDA, CDC, MA, and refugee assistance programs Only**

A policy exception is needed based on unique and rare circumstances in a specific case to avoid extreme and unusual hardship on the client. BEM 100

In this case, the Department correctly determined that Petitioner was eligible for \$ [REDACTED] per month in SDA benefit because she is a resident of a long term care facility and receives SSA benefits of \$ [REDACTED] per month. BEM 615 RFT 235 Petitioner acknowledged at hearing that she was a resident of a long term care facility and receives \$ [REDACTED] from SSA.

Petitioner argued at hearing that she should be eligible for \$ [REDACTED] because she is renting a storage unit that has irreplaceable personal belongings in it. Petitioner testified that “the heart and soul” of her home is contained in the storage unit. Petitioner argued that she requested an exception under BEM 100 and she should have received an exception due to the circumstances related to her rented storage unit.


Petitioner was not entitled to an exception under BEM 100 because there is an existing policy that applies to Petitioner’s circumstance and there was no identifiable extreme or unusual hardship on the client. BEM 100 Not having income to pay for a storage unit is not an unusual circumstance nor is potentially losing personal property an extreme or unusual hardship, regardless of what the personal property may be.

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 Petitioner’s SDA benefit amount.

DECISION AND ORDER

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

AM/md



Aaron McClintic
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]

Petitioner

[REDACTED]