



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: April 28, 2017
MAHS Docket No.: 17-002791
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; 42 CFR 431.200 to 431.250; and 45 CFR 205.10. After due notice, a telephone hearing was held on March 29, 2017, from Lansing, Michigan. Petitioner was represented by her father [REDACTED] [REDACTED]. Petitioner also appeared and testified. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED] FIM. [REDACTED] [REDACTED] ES also appeared and testified for the Department. Department Exhibit 1, pp. 1-314 was received and admitted.

ISSUE

Whether the Department properly determined that Petitioner was not disabled for purposes of the State Disability Assistance (SDA) benefit program?

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 September 19, 2016.
2. The Medical Review Team denied the application on February 1, 2017.
3. Petitioner filed a request for hearing on March 3, 2017, regarding the SDA denial.
4. A telephone hearing was held on March 29, 2017.
5. Petitioner is 5' 8.5" tall and weighs 180 pounds.

6. Petitioner is 44 years of age.
7. Petitioner's impairments have been medically diagnosed as traumatic brain injury, PTSD, depression and anxiety.
8. Petitioner has the following symptoms: pain, fatigue, headaches, memory and concentration problems, social isolation.
9. Petitioner completed high school and a 2-year college degree.
10. Petitioner is able to read, write, and perform basic math skills.
11. Petitioner is not working full time. Petitioner last worked fulltime in January 2015 as a chef. Petitioner previously worked as a courier and manager of a wine store.
12. Petitioner has been working 3 hours per week supervising a lunch room earning \$ [REDACTED] per hour for [REDACTED] since the summer of 2016. Petitioner is earning \$ [REDACTED] per month.
13. Petitioner lives with her parents.
14. Petitioner testified that she cannot perform some household chores.
15. Petitioner takes the following prescribed medications:
 - a. Buspirone
 - b. Ibuprofen
 - c. Famotidine
 - d. Ferrous sulfate
 - e. Amitriptyline
 - f. Triamcinolone
 - g. Flexeril
 - h. Oxycodone
 - i. Trazanidine
 - j. Tramadol
 - k. trazodone
16. Petitioner testified to the following physical limitations:
 - i. Sitting: 60 minutes
 - ii. Standing: 30 minutes
 - iii. Walking: 2-3 blocks
 - iv. Bend/stoop: difficulty
 - v. Lifting: 10 lbs.
 - vi. Grip/grasp: no limitations

17. Petitioner testified to experiencing pain, at a high level of 8, on an everyday basis with some pain, always present, at a low level of 4.

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), and Department of Health and Human Services Reference Tables Manual (RFT).

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, was established by 2004 PA 344. The Department administers the SDA program pursuant to 42 CFR 435, MCL 400.10 *et seq.* and Mich Admin Code, Rules 400.3151 – 400.3180. A person is considered disabled for SDA purposes if the person has a physical or mental impairment which meets federal Supplemental Security Income (SSI) disability standards for at least ninety days. Receipt of SSI benefits based on disability or blindness, or the receipt of MA benefits based on disability or blindness, automatically qualifies an individual as disabled for purposes of the SDA program.

BENEFIT AMOUNT

FIP, RCA and SDA Only

A deficit of at least \$10 is required to receive a cash benefit. If the deficit is less than \$10, no financial need exists and the group is not eligible to receive benefit. Bridges will deny or close the program. BEM 518 (October 2015)

Issuance Earned Income Disregard

FIP, RCA and SDA Only

Deduct \$200 from each person's countable earnings. Then deduct an additional 50 percent of each person's remaining earnings. The total disregard **cannot** exceed countable earnings. Apply this disregard separately to each program group member's earned income. BEM 518 (October 2015)

In this case, Petitioner has been earning \$█ per hour working 3 hours per week supervising a lunch room since the summer of 2016 prior to her application for SDA. Using the Department policy for determining monthly income she earns \$█ per week multiplied by 4.15 results with \$█ per month. After deducting \$█ from Petitioner's countable earnings there is \$█ remaining. After deducting an additional 50% there is


\$█ remaining. BEM requires a deficit of at least \$█ since Petitioner has no deficit Department policy requires a denial. BEM 518

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 Petitioner not eligible for the SDA benefit program.

Accordingly, the Department's determination is AFFIRMED.

AM/mc



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]

Authorized Hearing Rep.

[REDACTED]

Petitioner

[REDACTED]