



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

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Date Mailed: January 6, 2021
MOAHR Docket No.: 20-006037
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 October 28, 2020. The Petitioner was represented by ██████████ Friend and Authorized hearing Representative. Po Reh, the Petitioner, was present. The Department of Health and Human Services (Department) was represented by Amber Gibson, Hearing Facilitator (HF). ██████████ also provided interpretation services during the hearing proceeding.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-6.

ISSUE

Did the Department properly determine Petitioner's eligibility for cash assistance through the State Disability Assistance (SDA) 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 receives \$186.00 per month in SDA benefits. (HF Testimony)
2. On August 21, 2020, a Notice of State SSI Payment Change was issued to Petitioner stating his quarterly State SSI Payment had been cancelled effective August 21, 2020. (Exhibit A, pp. 3-4)
3. A Redetermination was completed for Petitioner's cash assistance case. (HF Testimony)

4. The quarterly State SSI Payment is still being included in Petitioner's cash assistance budget. (HF Testimony)
5. On August 31, 2020, Petitioner requested a hearing contesting the Department's determination. (Exhibit A, pp. 3-4)

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), 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.

Shortly after the hearing commenced, the contested issued was clarified with the parties. Petitioner's AHR asserted that Petitioner was only receiving \$80.00 in cash assistance and requested this be increased.

SDA is a cash program for individuals who are not eligible for FIP and are disabled or the caretaker of a disabled person. BEM 214, April 1, 2019, p. 1. As of October 1, 2011, the monthly SDA assistance payment standard is \$200.00. RFT 255, December 1, 2013, p. 1. When determining eligibility for SDA, the Department subtracts budgetable income from the standard payment. BEM 518, January 1, 2020, pp. 1-6.

In this case, the Department acknowledged that an error was made regarding the budget for Petitioner's SDA case. Specifically, the quarterly State SSI Payment continued being included in Petitioner's cash assistance budget. (HF Testimony). However, on August 21, 2020, a Notice of State SSI Payment Change was issued to Petitioner stating his quarterly State SSI Payment had been cancelled effective August 21, 2020. (Exhibit A, pp. 3-4) Accordingly, Petitioner's eligibility for SDA must be re-determined.

It is noted that the evidence indicates Petitioner's SDA case has also been sent back to Disability Determination Services (DDS) for a disability determination because Petitioner is no longer receiving SSI. (Exhibit A, pp. 4-6; HF Testimony) When a disability determination is made, this may also affect Petitioner's eligibility for ongoing SDA. See BEM 261, April 1, 2017, pp. 1-3.

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 determined Petitioner's eligibility for SDA.

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. If not already done, re-determine Petitioner's eligibility for SDA retroactive to August 1, 2020 in accordance with Department policy.
2. Issue written notice of the determination in accordance with Department policy.
3. Supplement for lost benefits (if any) that Petitioner was entitled to receive, if otherwise eligible and qualified in accordance with Department policy.

CL/ml



Colleen Lack
Administrative Law Judge
for Robert Gordon, Director
Department of Health and Human Services

