



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED], MI [REDACTED]

Date Mailed: April 27, 2022  
MOAHR Docket No.: 22-000533  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**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 March 30, 2022, from Lansing, Michigan. [REDACTED], the Petitioner, appeared on his own behalf. The Department of Health and Human Services (Department) was represented by Genesis Castillo, Caseworker.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-25.

Shortly after the hearing commenced, jurisdiction and the timeliness of Petitioner's hearing request was discussed. Petitioner's February 7, 2022 hearing request was not timely filed to contest the February 14, 2020 denial of a prior application for State Disability Assistance (SDA). However, Petitioner reapplied for SDA January 31, 2022 and was denied on February 7, 2022. Accordingly, there is jurisdiction to review the February 7, 2022 denial.

### **ISSUE**

Did the Department properly deny Petitioner's January 31, 2022 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. On January 31, 2022, Petitioner applied for SDA. (Caseworker Testimony)

2. Petitioner was receiving Social Security Administration issued benefits in the amount of \$ [REDACTED] per month. (Caseworker Testimony; Petitioner Testimony)
3. The Department determined that Petitioner was not eligible due to income in excess of the \$200.00 monthly payment standard for SDA. (Caseworker Testimony)
4. On February 7, 2022, written notice of the denial was issued to Petitioner. (Caseworker Testimony)
5. On February 7, 2022, Petitioner filed a hearing request contesting the Department's determination. (Exhibit A, p. 3)

### **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.

For the SDA program, the Department compares budgetable income for the income month using the earned income disregard to the certified group's payment standard for the benefit month. The group is ineligible for the benefit month if no deficit exists or the group has a deficit less than \$10.00. (BEM 518, January 1, 2020, p. 3) The monthly payment standard for SDA is \$200.00 for an individual. (RFT 225, December 1, 2013, p. 1)

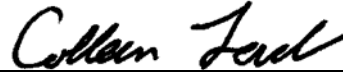
In this case, the Department denied Petitioner's January 31, 2022 application due to excess income. Petitioner was receiving Social Security Administration issued benefits in the amount of \$ [REDACTED] per month. (Caseworker Testimony; Petitioner Testimony) This exceeds the monthly payment standard for SDA. Accordingly, no deficit existed. Therefore, Petitioner was ineligible for SDA.

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 January 31, 2022 application for SDA.

**DECISION AND ORDER**

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

CL/dm



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**Colleen Lack**  
Administrative Law Judge

**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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-8139

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