



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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██████████, MI ██████████

Date Mailed: October 25, 2022
MOAHR Docket No.: 22-004110
Agency No.: ██████████
Petitioner: ██████ ██████ ██████

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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. After due notice, a telephone hearing was held on October 19, 2022, from Lansing, Michigan. Petitioner represented himself. The Department was represented by Cheryl Watkins, Danielle Hurst, and Alisha Howard.

ISSUE

Did the Department of Health and Human Services (Department) properly deny Petitioner's 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 ██████ ██████ 2021, the Department received Petitioner's application for State Disability Assistance (SDA) benefits. Exhibit A, p 28.
2. The Social Security Administration determined that Petitioner was eligible for Supplemental Security Income (SSI) benefits with a disability onset date of September 4, 2020. Exhibit A, p 25.
3. On June 8, 2022, the Department notified Petitioner that he was not eligible for State Disability Assistance (SDA) as of August 1, 2022. Exhibit A, p 6.
4. Petitioner received a regular payment of Supplemental Security Income (SSI) benefits in the gross monthly amount of \$██████████ on September 1, 2022, after receiving supplemental and underpayment payments of \$██████████ on August 1, 2022, and \$██████████ and \$██████████ on August 1, 2022. Exhibit A, p 26.

5. On September 6, 2022, the Department received Petitioner's request for a hearing protesting the denial of State Disability Assistance (SDA) benefits. 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 *et seq.* The Department administers the SDA program pursuant to 42 CFR 435, MCL 400.10 of the Social Welfare Act, MCL 4001. *et seq.*, and Mich Admin Code, R 400.3151 through 400.3180.

To receive SDA, a person must be disabled, caring for a disabled person, or age 65 or older. Department of Health and Human Services Bridges Eligibility Manual (BEM) 261 (April 1, 2017), p 1.

State-funded FIP and SDA clients must sign an agreement to repay interim assistance when pursuing a potential benefit. Repay agreements are required for most lump sum payments (for example, inheritances, insurance settlements) and accumulated benefits paid retroactively (for example, Supplemental Security Income (SSI), Unemployment Compensation, Workers Compensation). Department of Health and Human Services Bridges Eligibility Manual (BEM) 272 (January 1, 2018), p 1.

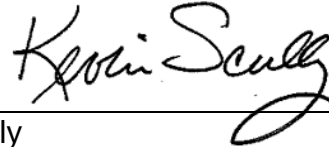
The payment standard is the maximum benefit amount that can be received by the person who meets all non-financial edibility factors. Income is subtracted from the payment standard to determine the grant amount. Department of Health and Human Services Bridges Eligibility Manual (BEM) 515 (January 1, 2022), p 1.

Petitioner applied for SDA benefits and also applied for social security benefits as required by Department policy. Before Petitioner's eligibility for SDA benefits was determined, he was approved by the federal Social Security Administration for SSI benefits. If Petitioner had received any SDA benefits, he would have been required to reimburse the Department from his social security benefits. Petitioner is not eligible for ongoing SDA benefits because his SSI benefits exceed the SDA payment standard, which is \$200 for an individual. Department of Health and Human Services Reference Table Manual (RFT) 225 (December 1, 2013), p 1.

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 is not eligible for State Disability Assistance (SDA) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



KS/nr

Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings and
Rules (MOAHR)

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

Via-Electronic Mail :

DHHS

Courtney Jenkins
Washtenaw County DHHS
22 Center Street
Ypsilanti, MI 48198
**MDHHS-Washtenaw-
Hearings@michigan.gov**

Interested Parties

Washtenaw County DHHS
BSC4
L. Brewer-Walraven
MOAHR

Via-First Class Mail :

Petitioner

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