



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: November 27, 2023
MOAHR Docket No.: 23-006016
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 hearing was held via telephone conference on November 6, 2023.¹ Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Stephanie Pearson, specialist.

ISSUE

The issue is whether MDHHS properly determined Petitioner's State Disability Assistance (SDA) eligibility.

FINDINGS OF FACT

The administrative law judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. For June 2023, Petitioner received \$ [REDACTED] in child support income and \$170 in SDA benefits.
2. For July 2023, Petitioner received \$ [REDACTED] in child support income and \$180 in SDA benefits.
3. For August 2023, Petitioner received \$ [REDACTED] in child support income and \$200 in SDA benefits.

¹ Petitioner requested an adjournment due to a claim to not receiving the hearing packet. Petitioner's request was denied because MDHHS presented Proof of Service for the packet mailing. Exhibit A, p. 6.

4. For September 2023, Petitioner received \$ [REDACTED] in child support income and \$190 in SDA benefits.
5. On September 18, 2023, Petitioner requested a hearing to dispute SDA eligibility.

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. MDHHS (formerly known as the Family Independence Agency) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute the amount of SDA benefits received. Exhibit A, p. 4. Petitioner testified she disputed SDA eligibility back to 2022; however, Petitioner is limited to disputing actions within 90 days of written notice (see BAM 600). The only written notice sent by MDHHS within the 90 days of Petitioner's hearing request was a Notice of Case Action dated August 21, 2023, concerning Petitioner's SDA eligibility beginning June 2023. Thus, administrative hearing jurisdiction is limited to Petitioner's SDA eligibility beginning June 2023.

MDHHS offers two types of cash assistance programs. The Family Independence Program (FIP) provides financial assistance to families with dependent children. BEM 100 (October 2018) p. 1. SDA provides financial assistance to disabled adults who are not eligible for Family Independence Program (FIP) benefits. *Id.*, p. 5. As Petitioner had no minor children, Petitioner was only potentially eligible to receive SDA benefits.

To receive SDA, the certified group must be in financial need to receive benefits. BEM 515 (October 2018) p. 1. Need is determined to exist when countable income is less than the payment standard established by MDHHS. *Id.* The payment standard is the maximum benefit amount that can be received by the benefit group. *Id.* Income is subtracted from the payment standard to determine the grant amount. *Id.*

It was not disputed that Petitioner was an unmarried individual. As an unmarried individual, Petitioner's SDA group size is one (see BEM 214). The payment standard for an unmarried individual is \$200. RFT 225 (December 2013) p. 1.

Petitioner requested a hearing after receiving \$146 in monthly SDA benefits from June through September 2023. In response to Petitioner's hearing request, MDHHS issued supplements resulting in the following monthly SDA benefits.:

June 2023	\$180
July 2023	\$190
August 2023	\$200
September 2023	\$190

Exhibit B, pp. 1-2.

MDHHS contended the issuances are correct after factoring Petitioner's child support income. Petitioner testified she has not received child support since May 2023. However, child support income records clearly list direct support payments of \$20 in June 2023 and \$10 in July 2023. MDHHS credibly testified that Petitioner additionally received \$10 in September 2023.² By reducing Petitioner's payment standard of \$200 by her monthly child support income, the SDA amounts received by Petitioner were proper. It is found that MDHHS properly issued SDA benefits to Petitioner from June through September 2023.³

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly issued SDA benefits to Petitioner from June through September 2023. The actions taken by MDHHS are **AFFIRMED**.

CG/nr



Christian Gardocki
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

² All child support payments included an amount of cents.

³ Petitioner is free to request a hearing if she disputes SDA eligibility after September 2023.

Via-Electronic Mail :

DHHS

Jeanenne Broadnax
Wayne-Taylor-DHHS
25637 Ecorse Rd.
Taylor, MI 48180
**MDHHS-Wayne-18-
Hearings@michigan.gov**

Interested Parties

Wayne 18 County DHHS
BSC4
L. Karadsheh
MOAHR

Via-First Class Mail :

Petitioner

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