

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2008-25077
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 19, 2009
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Susan Payne Woodrow

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on August 19, 2009. Present were [REDACTED] Claimant, Calvin Mitchell, Family Independence Manager, and Michelle DeJesus, Eligibility Specialist. All were sworn before their testimony.

ISSUE

Whether the Department properly denied the claimant's application for Medical Assistance (MA) and State Disability Assistance (SDA).

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. On May 9, 2008, [REDACTED] applied for Medical Assistance (MA) and State Disability Assistance (SDA).
2. As a mailing address, she gave a law office [REDACTED]
[REDACTED]
3. [REDACTED] is homeless and therefore has used [REDACTED] office for some time to receive mail.
4. [REDACTED] has frequently e-mailed [REDACTED]
5. On May 16, 2008, her Eligibility Specialist, Michelle DeJesus, sent a verification checklist requesting documentation to be returned by June 6, 2008.
6. On May 16, 2008, Ms. DeJesus scheduled and sent notice of a medical appointment with [REDACTED]
7. On May 20, 2008, Ms. DeJesus sent [REDACTED] a notice of the psychological appointment scheduled for June 3, 2008.
8. [REDACTED] did not check with the Attorney's offices to see whether or not she had received any mail, although she did inform them that she might be receiving mail.
9. On June 16, 2008, Ms. DeJesus denied the application for Medical Assistance (MA) and State Disability Assistance (SDA) due to the failure to cooperate by [REDACTED]
10. On June 30, 2008, she obtained her mail from the Attorney's office. At that time, she called and requested that her medical and psychological appointments be rescheduled.
11. Subsequently she applied for and is receiving benefits.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, et seq, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The State Disability Assistance (SDA) Program, which provides financial assistance for disabled persons is established by 2004 PA344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA Program pursuant to MCL 400.10, et seq. and MAC R 400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM). The Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility, including the completion of the necessary forms. PAM 105, p. 5. Claimants must take action within their ability to obtain verification. The local office must assist clients who ask for help in completing forms or gathering verification. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. PAM 130, p. 1. Clients are allowed ten (10) calendar days (or other time limit specified in policy) to provide the requested verifications. PAM 130, p. 4. If the client cannot provide the verification, despite a reasonable effort, the time limit should be extended up to three times. *Id.* Claimant chose the method of

communication. Since she was able to have e-mail communication, there was no explanation why she did not e-mail them more frequently asking about her mail.

The claimant was clearly aware that she was homeless, and therefore, set up an avenue to receive information through her Attorney's office. It was incumbent upon her to check to see whether or not she had received documentation, not rely on them to contact her, especially since she was homeless.

Claimant has failed to cooperate with the Department.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the decision of the Department denying benefits to claimant is UPHELD.

/s/ _____
Susan Payne Woodrow
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 19, 2009

Date Mailed: September 2, 2009

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

SPW/law

cc:

