

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: 2008-22116
Issue No: 4003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 22, 2009
Montcalm County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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 April 22, 2009.

ISSUE

Whether the Department of Human Services (department) acted in compliance with department policy when it determined claimant's State Disability Assistance (SDA) benefits?

FINDINGS OF FACT

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

- (1) During April 2008, claimant was receiving SDA. His assistance was due for review.
- (2) April 25, 2008, the department sent claimant a Verification Checklist (DHS-3503) stating required proofs and a due date of May 15, 2008. Department A.

(3) May 29, 2008, the department sent claimant written notice that his assistance would end due to his failure to provide required proofs. The department became aware that claimant required more time to provide medical records, deleted the closure, and extended claimant's deadline to June 15, 2008. Claimant did not provide required proofs and did not contact the department to request a second extension.

(4) June 17, 2008, the department sent claimant written notice that his assistance would terminate due to claimant's failure to provide required proofs.

CONCLUSIONS OF LAW

Department manuals provide the following policy statements and instructions for caseworkers:

All Programs

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements.

Obtain verification when:

- Required by policy. PEM items specify which factors and under what circumstances verification is required.
- Required as a local office option. The requirement must be applied the same for every client. Local requirements may not be imposed for MA, TMA-Plus or AMP without prior approval from central office.
- Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level.

All Programs

Tell the client what verification is required, how to obtain it, and the due date. Use the DHS-3503, Verification Checklist, or for MA

redeterminations, the DHS-1175, MA Determination Notice, to request verification.

The client must obtain required verification, but you must assist if they need and request help.

If neither the client nor you can obtain verification despite a reasonable effort, use the best available information. If no evidence is available, use your best judgment.

All Programs (except TMAP)

Allow the client 10 calendar days (or other time limit specified in policy) to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit at least once.

MA Only

Send a negative action notice when:

- The client indicates refusal to provide a verification, or
- The time period given has elapsed.

Program Administrative Manual (PAM) 130

MA

42 CFR 435.913(a)

42 CFR 435.916(b)

MCL 400.37

Public Law 109-171

In this case, the department provided claimant with proper written notice of the required proofs and set an appropriate deadline. When it became known that claimant required more time, the deadline was extended. When the second deadline was expired, claimant had not contacted the department for another extension and did not provide the required proofs. Finding of Fact 1-3. As of the date of hearing, claimant had not yet provided the required proofs to the department. Accordingly, a preponderance of evidence establishes that claimant was properly

given opportunity to provide required proofs and did not do so. Therefore, the department's action to terminate claimant's benefits must be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services acted in compliance with department policy when it determined claimant's eligibility for State Disability Assistance.

Accordingly, the department's action is **HEREBY UPHELD**.

/s/ _____
Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 14, 2009

Date Mailed: May 14, 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.

JAB/db

cc:

