

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: 2008-24487

Issue No: 4003

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 4, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a hearing was conducted in Detroit, Michigan on June 4, 2009. The Claimant appeared and testified. Betty McBride, ES and H.J. Jones, Jr., FIM, appeared for the Department.

ISSUE

Whether the Department properly closed the Claimant's SDA case on 12/31/08 for failure to provide verifications?

FINDINGS OF FACT

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

1. The Claimant was a SDA recipient.
2. Claimant was scheduled for a medical review with MRT in May of 2008.
3. Claimant was sent verifications on 4/30/08, due by 5/20/08. (Exhibit 1, pp. 3-7)

4. Claimant testified that she received the verification notice. Claimant also testified that there was an issue with her mail and she received the verification notice from her sister at an undisclosed time.
5. Claimant testified that she mailed in the verification papers. Claimant did not know the date the documents were mailed. The documents were never received by the Department.
6. Claimant produced a note dated 11/28/08 signed by [REDACTED] which reads: “To whom it may concern. I was with [REDACTED] when she dropped the letter in the mailbox. It was about June 12<sup>th</sup> 2008.”
7. The Department placed Claimant’s case in closure on 6/5/08 with a closure date of 6/17/08.
8. To date the Department has not received any verification from Claimant as requested.
9. On June 17, 2008 the Department received the Claimant’s hearing request protesting the closure of the SDA benefits on 12/29/08.

#### CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. 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 to provide verification. PAM 130, p. 1. The questionable information might be from the client or a third party. Id. The Department can use documents, collateral contacts or home calls to verify information. Id. The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. PAM 130, p.4; PEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. PAM 130, p. 4. Before making an eligibility determination, however, the department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. PAM 130, p. 6.

In the record presented, it is apparent that the Department mailed out Claimant's verification checklist for the medical review to the address on file. Claimant received the verification checklist. Claimant also testified that she mailed in the documents as requested. However, they were not received by the department and Claimant did not make a copy. If Claimant had completed verifications and obtained a DHS 49 from her physician, then Claimant could have obtained a copy of the completed form from the physician to show the date that it was completed. Furthermore, Claimant's story was not consistent. Claimant's hearing request states that she mailed in her paperwork on June 6 or 7 yet her friend's statement says that it was mailed about the 12<sup>th</sup> of June 2008. Either way, the dates are all past the 5/20/08 due date.

Based on the foregoing facts and relevant law, the undersigned finds that Claimant did not submit verifications within 10 days as required in PAM 130. Accordingly, it is found that the Department properly closed the Claimant's SDA benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly closed the Claimant's FAP and SDA case.

Accordingly, it is ordered that the 6/17/08 closure of SDA is AFFIRMED.

/s/ \_\_\_\_\_  
Jeanne M. VanderHeide  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 06/15/09

Date Mailed: 06/16/09

**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 mailing 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.

JV/dj

Cc:

