

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: 2009-10943
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 11, 2009
Ottawa County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Thursday, June 11, 2009. The claimant was not present, but was represented by his attorney, [REDACTED].

ISSUE

Did the department properly terminate the claimant's Medical Assistance (MA-P) and State Disability Assistance (SDA) benefits because the claimant failed to provide the required verification?

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 recipient of Medical Assistance and State Disability Assistance benefits with a medical review due January 2009.

(2) On November 12, 2008, the department caseworker sent the claimant a Verification Checklist, with the required verification required to determine continued eligibility for SDA and MA benefits with a due date of November 22, 2008. (Department Exhibit 3)

(3) On December 9, 2008, the department caseworker sent the claimant a denial notice that his SDA and MA would end on December 23, 2008 because the claimant failed to provide the required verification of medical records specified on the release form that were due on November 22, 2008. (Department Exhibit 1-2)

(4) On December 16, 2008, the department received a hearing request from the claimant, contesting the department's negative action.

(5) On June 10, 2009, the claimant's attorney sent a letter stating that the claimant had a favorable response from his Social Security ruling, which would entitle the claimant for continued benefits, but the claimant still needed to provide the required verification to the department.

(6) During the hearing, the department manager and the claimant's attorney talked to determine what information was missing and needed to be submitted for the claimant's MA and SDA benefits to be provided.

(7) The parties have reached an agreed upon settlement to resolve the dispute. The department agrees to give the claimant's attorney time to provide the required verification.

(8) After the hearing, the department's Family Independence Manager confirmed that the claimant had a favorable ruling from Social Security and MRT determined in June 2009 that

he had continued to be disabled with a timely hearing request and the claimant has lost no benefits and his MA-P and SDA benefits would continue based on eligibility.

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 (DHS or department) 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).

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 (DHS or department) 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).

In the present case, the parties have reached an agreed upon settlement to resolve the dispute. The department agrees to give the claimant's attorney time to provide the required verification. If the claimant does not agree with the determination, he may file another request for a hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department appropriately proposed to terminate the claimant's MA and SDA benefits because the required verification was not received in the required timeframe.

However, the claimant asked for a timely hearing request which continued his benefits and in the interim was approved by MRT and Social Security, which resulted in no benefits being lost.

The department is **ORDERED** to give the claimant's attorney time to provide the required verification, if it has not already done so.

/s/

Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 16, 2009

Date Mailed: July 16, 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 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.

CGF/vmc

cc:

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