

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: 2009-31119
Issue No: 2006; 2007; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 6, 2010
Jackson County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 6, 2010, in Jackson. Claimant personally appeared and testified under oath.

The department was represented by Don Baibak (FIM).

ISSUE

Did the department correctly deny claimant's MA-P/SDA application due to claimant's failure to verify her income and asset eligibility, as well as her medical impairment, as requested by the DHS-3503 (May 28, 2009) due date?

FINDINGS OF FACT

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

- (1) Claimant is a MA-P/SDA applicant.

(2) On May 7, 2009, claimant submitted a signed application (DHS-1171), requesting MA-P/SDA benefits.

(3) On May 28, 2009, the caseworker sent claimant a Verification Checklist (DHS-3503) requesting verification of claimant's income, assets and disabilities. The due date for completing the Verification Checklist and submitting the information requested was June 2009.

(4) Claimant did not submit the following forms by the due date: DHS-49, DHS-54A and DHS-1552. Claimant did not ask her caseworker for an extension of the Verification Checklist due date.

(5) On June 9, 2009, the caseworker notified claimant that her MA-P/SDA application had been denied due to claimant's failure to provide the required eligibility information by the due date.

(6) On June 17, 2009, claimant requested a hearing.

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 (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).

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 department's policy manuals require that applicants cooperate with the department in establishing financial and medical eligibility. This may be accomplished by providing information requested on the DHS forms listed on the 3503. See BEM 500, 550 and BAM 210.

The preponderance of the evidence in the record shows that the caseworker correctly requested verification of claimant's eligibility factors in order to establish claimant's eligibility for MA-P/SDA. Claimant failed to return the required forms by the due date provided on the Verification Checklist (June 8, 2009).

A careful review of the record indicates that claimant failed to establish a *prima facie* case of eligibility for MA-P/SDA by the June 8, 2009 due date. For this reason, the caseworker correctly denied claimant's MA-P/SDA application on June 9, 2009.

There was no evidence on this record of any arbitrary or capricious action on behalf of the department in processing claimant's MA-P/SDA application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly denied claimant's MA-P/SDA application due to claimant's failure to verify her eligibility factors, as requested, by June 8, 2009.

Therefore, the department's action is, hereby, **AFFIRMED**.

SO ORDERED.

/s/

Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 17, 2010

Date Mailed: May 18, 2010

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.

JWS/tg

cc:

