

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: 2009-3512
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 19, 2009
Kent 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, [REDACTED], Claimant's Therapist, Sarah Thomas, Family Independence Manager, Kamyle Walker, Eligibility Specialist. All four witnesses were sworn. Subsequently, [REDACTED] joined the hearing as an observer.

ISSUE

Whether the Department properly denied the claimant's application for 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 June 3, 2008, [REDACTED] applied for State Disability Assistance (SDA).

2. [REDACTED] case was closed on June 17, 2008.
3. A verification checklist was sent to him on August 4, 2008 requesting medical forms and other records to support his claim.
4. The medical records, medical forms and other records were not returned; therefore, a denial was sent on August 14, 2008.
5. During August and September, [REDACTED] was being treated on an out-patient basis at [REDACTED]
6. On October 14, 2008, [REDACTED] signed an authorization for medical records.
7. The medical records were placed in the Kent Department of Human Services drop box on October 17, 2008.
8. Additional medical records and a treatment plan were submitted through the drop box on October 28, 2008.
9. On March 4, 2009, [REDACTED] reapplied for benefits.
10. The medical documents received in October were applied to the March 4, 2009 application as were the medical updates received in April, 2009.
11. The March 4, 2009 application is still being processed.

CONCLUSIONS OF LAW

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.* However, the client must ask for an extension or somehow communicate that they are having problems. Claimant did not communicate any problems or ask for help.

There is no indication that the claimant was totally disabled while an out-patient. If he was able enough to be an out-patient and to function outside of [REDACTED], he should have been able to submit the documents in a timely manner or request additional assistance. He did not cooperate in a timely fashion with the Department to return medical forms and other records to support his disability.

The department was correct to deny the claim for failure to cooperate.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the action of the Department is UPHELD.

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

Date Signed: August 17, 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:

