# STATE OF MICHIGAN STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

# ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

,

Reg. No: Issue No: 2009-36615 2006

Claimant

Case No:

Load No:

Hearing Date: February 10, 2010

Muskegon 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 Wednesday, February 10, 2010. The claimant personally appeared and testified on his own behalf.

### **ISSUE**

Did the department properly deny the claimant's application for State Disability

Assistance (SDA) because he did not attend the required appointment?

## 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 May 28, 2009, the claimant applied for SDA.
- (2) On June 10, 2009, the claimant was mailed an appointment notice to attend a scheduled interview on June 22, 2009 at 9:30 a.m. (Department Exhibit 1)

- (4) On July 15, 2009, the department caseworker sent the claimant a denial notice because the claimant failed to attend his appointment and failed to notify the department to verify information necessary to determine eligibility for this program. (Department Exhibit 2-5)
- (3 On June 22, 2009, the claimant did not attend his scheduled appointment. (Department Exhibit 7-8)
- (5) On August 4, 2009, the department received a hearing request from the claimant, contesting the department's negative action.

### 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).

### **DEPARTMENT POLICY**

## **All Programs**

Clients have rights and responsibilities as specified in this item.

The local office must do all of the following:

- . Determine eligibility.
- . Calculate the level of benefits.
- . Protect client rights. PAM, Item 105, p. 1.

# CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

# **Responsibility to Cooperate**

## **All Programs**

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. PAM, Item 105, p. 5.

# **Client Cooperation**

The client is responsible for providing evidence needed to prove disability or blindness. However, you must assist the client when they need your help to obtain it. Such help includes the following:

- . Scheduling medical exam appointments
- . Paying for medical evidence and medical transportation
- . See PAM 815 and 825 for details. PEM, Item 260, p. 4.

## **All Programs**

Clients must completely and truthfully answer all questions on forms and in interviews. PAM, Item 105, p. 5.

### **Refusal to Cooperate Penalties**

### **All Programs**

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. PAM, Item 105, p. 5.

## **Verifications**

#### **All Programs**

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See PAM 130 and PEM 702. PAM, Item 105, p. 8.

#### LOCAL OFFICE RESPONSIBILITIES

## **All Programs**

Ensure client rights described in this item are honored and that client responsibilities are explained in understandable terms. Clients are to be treated with dignity and respect by all DHS employees. PAM, Item 105, p. 8.

# **Obtaining Verification**

## **All Programs**

Tell the client what verification is required, how to obtain it, and the due date (see "**Timeliness Standards**" in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification. PAM, Item 130, p. 2.

#### **Timeliness Standards**

## 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 <u>cannot</u> provide the verification despite a reasonable effort, extend the time limit at least once. PAM, Item 130, p. 4.

Send a negative action notice when:

- . the client indicates refusal to provide a verification, or
- the time period given has elapsed and the client has <u>not</u> made a reasonable effort to provide it. PAM, Item 130, p. 4.

### **ELIGIBILITY DECISIONS**

#### **Denials**

#### **All Programs**

If the group is ineligible **or** refuses to cooperate in the application process, send a denial notice within the standard of promptness. PAM, Item 115, p. 15.

2009-36615/CGF

In the instant case, the claimant applied for SDA benefits on May 28, 2009. The claimant

was required to attend an in-person interview on June 22, 2009. The claimant was mailed the

notice on June 10, 2009, but failed to attend the required appointment. The claimant did turn

some additional paperwork in on June 22, 2009, but they were not completely filled out and the

department caseworker was unable to determine the claimant's eligibility for SDA benefits.

Therefore, the department has established that it was acting in compliance with

department policy by determining that the claimant was not eligible to receive SDA benefits

because he missed his in-person interview and failed to turn in the required verification to

determine eligibility.

**DECISION AND ORDER** 

The Administrative Law Judge, based upon the above findings of fact and conclusions

of law, decides that the department appropriately denied the claimant's SDA application because

the claimant missed his required in-person interview and failed to return the required verification

to determination eligibility.

According, the department's decision is **AFFIRMED**.

Carmen G. Fahie

Administrative Law Judge

for Ismael Ahmed, Director

Department of Human Services

Date Signed: April 2, 2010

Date Mailed: April 2, 2010

5

**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

