

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████
Claimant

Reg. No. 200936627
Issue No. 4003
Case No. ██████████
Load No. ██████████
Hearing Date:
February 22, 2010
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on February 22, 2010. The Claimant appeared and testified. The Department also appeared through its representatives.

ISSUE

Whether the Department properly denied the Claimant's application for State Disability Assistance filed October 23, 2008 for failure to provide verification?

FINDINGS OF FACT

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

1. Claimant lived with and provided care for ██████████, a disabled adult, from October 2008 through the date of the hearing.
2. On October 23, 2008, the claimant applied for State Disability Assistance benefits.

3. On December 9, 2008, the Department mailed the Claimant a verification checklist requesting she provide proof of medical needs, DHS Form 54A, for [REDACTED], the disabled individual she cared for. (Exhibit 4)
4. The Claimant received the Department's request for verification. The verification information was required to be returned to the Department by December 19, 2008.
5. The Department denied the Claimant's application for SDA on December 26, 2008 for failure to provide required verifications. (Exhibit 2)
6. The Claimant did not return the requested verifications until February 10, 2009.
7. The Claimant filed a request for a hearing March 19, 2009 regarding the Department's denial of her SDA application for failure to provide the necessary verifications. (Exhibit 3)

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) Program which provides financial assistance for disabled persons in 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 R400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM) and Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Pursuant to PAM 105 clients must cooperate with the local office in determining initial and ongoing eligibility. A caretaker of a disabled person may receive SDA provided that the assistance of the caretaker is medically necessary for at least 90 days, and the caretaker and the disabled person live together. PEM 261. Department policy also requires a statement by an M.D. or D.O. that the client is needed in the home to provide personal care to the disabled household member for at least 90 days. The statement must include the diagnosis as well as the

length of time care is needed, and the Department for DHS-54A, Medical Needs form may be used PEM 261.

The Department must allow 10 days to provide the verification requested and a negative action notice is to be sent when the client indicates refusal to provide a verification, or the time period given has elapsed and the claimant has not made a reasonable effort to provide it. PAM 130. The Department must also help clients who need and request assistance in obtaining verification and may extend the time limit, if necessary. PAM 130.

In this case, the Department denied the Claimant's October 23, 2008 application for SDA on December 26, 2008. The Claimant did not cooperate when she failed to secure the requested verifications and did not ask for an extension. Claimant did not explain why the verifications were not obtained other than the individual the claimant cared for was recently discharged from the nursing home and had to establish another primary care physician. The Claimant did not notify the Department of this situation.

Under these facts and circumstances, the undersigned finds that the Department's decision to deny the Claimant's application of October 23, 2008 must be upheld.

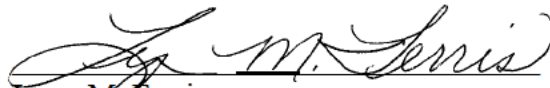
Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. PAM 130, p. 1. The questionable information might be from the client or a third party. Id. The Department can use documents, collateral contacts or home calls to verify information. Id. 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.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's decision to deny the Claimant's application for SDA due to failure to cooperate was made in accordance with Policy and was not in error.

Accordingly, the Department's decision is AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 03/29/10

Date Mailed: 03/31/10

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.

LMF/dj

cc:

