

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: 2009-26184
Issue No: 4003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 23, 2009
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 July 23, 2009. The claimant personally appeared and provided testimony, along with his friend, [REDACTED].

ISSUE

Did the department properly terminate the claimant's State Disability Assistance (SDA) benefits for failure to return the required redetermination materials in December, 2008?

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's SDA case came due for a redetermination during the month of December, 2008. On December 4, 2008, the claimant was mailed a new Assistance Application (DHS-1171) to complete and a Verification Checklist (DHS-3503) requiring the claimant return

with the application: a driver's license and social security card, a Medical Examination Report, records of income, current bank statements, and records of all assets to the department by December 16, 2008. (Department Exhibit 1).

2. The department did not receive the new application or the verifications requested and the claimant's SDA case was pended to close on December 31, 2008. (Department Exhibit 2).

3. The claimant submitted a hearing request on January 15, 2009.

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).

Department policy states:

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.

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.

Assisting the Client

All Programs

The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or **not** fluent in English. PAM, Item 105, p. 9.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. PAM, Item 130, p. 1.

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.

The client must obtain required verification, but you must assist if they need and request help. 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 cannot 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 not made a reasonable effort to provide it. PAM, Item 130, p. 4.

The claimant testified that he did not receive the redetermination materials/Verification Checklist that was mailed to him by the department on December 4, 2008. The Verification Checklist shows that the mail was sent to the claimant's proper address, on [REDACTED] in [REDACTED]

[REDACTED] The proper mailing and addressing of a letter creates a presumption of receipt. That presumption may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976). In this case, the claimant presented no testimony or evidence to rebut the presumption of receipt of the material.

The department caseworker testified that he had a telephone conversation with the claimant sometime in mid-December and told him he needed to get in his redetermination materials. The claimant disputed that he had any telephone conversation regarding his redetermination paperwork with the caseworker. However, even if this telephone conversation is not considered, the claimant presents no reason why the mailing of the redetermination packet would not have gotten to him. The claimant testified that he did receive the hearing summary and that he did receive the notice of hearing. This was and continues to be the proper address for the claimant.

For an SDA redetermination, department policy requires the department to mail the claimant a new DHS-1171 and send a completed Verification Checklist (DHS-3503) telling the claimant what verifications are necessary. PAM 210. The department followed policy in this case. When the new Assistance Application and required verifications were not received, the department allowed the benefit period to expire, thus the claimant's SDA benefits ended on December 31, 2008.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly terminated the claimant's SDA benefits because the claimant did not return the Assistance Application and required verifications for his redetermination.

Accordingly, the department's actions are UPHELD. SO ORDERED.

/s/ _____
Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 7, 2009

Date Mailed: October 12, 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.

SLK 

cc: 