

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.: 2009-33899

Issue No.: 4003

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

March 3, 2010

Wayne County DHS (82)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 March 3, 2010. The Claimant personally appeared and testified.

ISSUE

Did the Department properly deny the claimant's State Disability Assistance (SDA)?

FINDINGS OF FACT

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

1. On June 11 2009, the claimant applied for SDA.
2. On June 26, 2009, the department sent the claimant a verification checklist, due June 26, 2009, requesting various pieces of information. (Department exhibit 2)
3. On July 8, 2009, the department sent the claimant notice that his SDA application was denied. (Department exhibit 4).

5. On July 20, 2009, the Claimant filed a request for a hearing.

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 (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).

In the instant case, the claimant had informed the department that he had no income. The department, upon receiving information that the claimant had paid child support, requested documentation as to the source of the funds used to pay the child support.

The claimant testified that he notified the department about problems encountered in obtaining documentation of the source of the funds used to pay the child support. The claimant also testified that he paid the child support with his income tax return and provided the department verification of that after the denial of his SDA application.

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....

The client must obtain required verification, but you must assist if they need and request help.

If neither the client nor you can obtain verification despite a reasonable effort, use the best available information. If **no** evidence is available, use your best judgment. (PAM 130, p. 2-3)

I find that the department did not provide the assistance requested contrary to the policy cited above. Furthermore, the department failed to provide ample time for the claimant to comply with the verification request.

Therefore, the department was in error in denying the claimant's SDA.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the department to reregister the claimant's SDA applications back to the original application date of June 11, 2009, and provide the assistance requested and adequate time to respond.



Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 4/6/2010

Date Mailed: 4/6/2010

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.

MJB/jlg

2009-33899/MJB

cc:

