

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: 2010-2958
Issue No: 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 25, 2009
Mecosta County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 three-way telephone hearing was held on November 25, 2009, in Big Rapids. Claimant personally appeared and testified by telephone, under oath.

The department was represented by Nancy Wright (ES).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly decide to close claimant's SDA because she failed to provide proof of her SSI appeal by the due date (July 14, 2009), as required?

FINDINGS OF FACT

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

- (1) Claimant is a current SDA recipient.

(2) Claimant's SDA was scheduled for an eligibility review in June 2009.

(3) On June 8, 2009, claimant met with her caseworker. The caseworker discovered that claimant's SSI application was denied by the Social Security Administration on June 15, 2009.

(4) On June 8, the caseworker told claimant that she must appeal her SSI denial by July 14, or her SDA case would be closed.

(5) Claimant did not provide the required SSI appeal verification by July 14.

(6) On July 17, claimant's SDA was placed in negative action.

(7) On July 23, 2009, claimant timely requested a hearing.

(8) On July 28, the caseworker (██████████) told claimant, during a telephone call that claimant must show that her July 15 SSI denial had been appealed to retain ongoing SDA benefits.

(9) Claimant did not provide proof of her SSI appeal at the hearing or before.

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).

VERIFICATIONS

All programs

Clients must take action within their ability to obtain verifications. DHS staff must assist when necessary. BEM 200, 261; BAM 105, 110, 115 and 120.

Current department policy requires SDA recipients to cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms and appearing for a face-to-face meeting when requested. BAM 105. Cooperation also includes a requirement that recipients provide verification of household composition, household income and household assets, when requested. Claimant's recipients must also provide verification of any other relevant eligibility factor (SSI appeal) when requested to do so by their caseworker. BAM 210, 212 and 220. See also BEM 500 and BAM 115.

The preponderance of the evidence in the record shows that claimant failed to verify her SSI appeal by July 14, 2009, as requested by her caseworker.

The caseworker correctly requested verification of claimant's SSI appeal pursuant to current SDA policy.

Based on a careful review of the record, the caseworker correctly decided to close claimant's SDA benefits due to her failure to verify her SSI appeal, as requested, by July 14.

A careful review of the record reveals no evidence of arbitrary or capricious action by the local office in processing claimant's SDA eligibility in processing claimant's SDA eligibility review.

Therefore, the closure action taken by the department is correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly propose to close claimant's SDA due to her failure to verify a timely SSI appeal. Furthermore, claimant failed to comply with the department's SDA eligibility verification requirements by the due date (July 14, 2009).

Accordingly, the action taken by the department is, hereby, **AFFIRMED**.

SO ORDERED.

/s/ _____
Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 1, 2010

Date Mailed: March 2, 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 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.

JWS/tg

cc:

