

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010-42705
Issue No.: 4003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 16, 2010
Wayne County DHS (18)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a hearing was held in Taylor, Michigan on Monday, August 16, 2010. The Claimant appeared, along with [REDACTED], and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's State Disability Assistance ("SDA") application based on the failure to timely submit the requested verifications?

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 submitted an application for SDA benefits on April 30, 2010.
2. The Department requested the Medical Examination Report and Medical Needs forms be completed and submitted by May 13, 2010.
3. The Claimant denied receiving the Verification Checklist and made arrangements to pick up the requested forms from the local office.
4. As a result, the due date for the forms/verifications was extended until June 3, 2010.
5. The Claimant brought the forms to his physician(s) for completion.

6. The Claimant contacted the office and requested additional time to submit the requested forms.
7. The Department extended the Claimant's due date for 7 days (June 10, 2010).
8. On June 14, 2010, the Claimant submitted the requested forms however the physician purportedly failed to sign the form.
9. On June 28, 2010, the Department denied the Claimant's application.

CONCLUSIONS OF LAW

The State Disability Assistance ("SDA") program, which provides financial assistance for disabled persons, was established by 2004 PA 344. DHS administers the SDA program pursuant to MCL 400.10 et seq. and Michigan Administrative Code ("MAC R") 400.3151 – 400.3180. Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Manual ("BRM").

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105 Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130 When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130 The client must obtain the required verification, however, the Department must assist if needed and/or requested. BAM 105; BAM 130 If neither the client nor the Department is able to obtain verification despite reasonable effort, the Department should use the best available information. BAM 130 If no evidence is available, the Department should use its best judgment. BAM 130 Client's are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. BAM 130 If the client cannot provide the verification despite a reasonable effort, the time limit should be extended up to three times. BAM 130 A negative action notice should be sent when the client indicates a refusal to provide the verification or the time period provided has lapsed and the client has not made a reasonable effort to provide it. BAM 130 Before determining eligibility, clients are given a reasonable opportunity to resolve any discrepancy between statements made and information from another source. BAM 130

In this case, the Claimant applied for SDA benefits on April 30, 2010. The Claimant testified credibly that he never received the initial Verification Checklist. The Claimant's mother picked up the requested forms from the local office which were then given to the Claimant's physician(s) for completion. The Department extended the original due date until June 3, 2010. The Claimant contacted the Department and requested additional

time. The Claimant was provided an additional 7 days. Policy provides that a client is given 10 calendar days. Further, the Claimant submitted the Medical Needs form however the form purportedly did not contain his physician's signature. The Claimant was not given an opportunity to obtain the signature and was unaware of this fact until the hearing. There was no evidence that the Claimant had refused to cooperate or had not made reasonable attempts to secure the information. Under these facts, the Department's determination is not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department's determination is not upheld.

Accordingly, it is ORDERED:

1. The Department's determination is not upheld.
2. The Department shall open and reprocess the Claimant's April 30, 2010 SDA application and notify the Claimant of the determination.
3. The Department shall supplement for any lost benefits that the Claimant was entitled to receive if otherwise eligible and qualified.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 8/17/2010

Date Mailed: 8/17/2010

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.

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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.

CMM/jlg

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