

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

IN THE MATTER OF:



Reg. No.: 201046349
Issue No.: 4003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 27, 2010
Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 telephone hearing was held on October 27, 2010. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's application for State Disability Assistance (SDA) benefits based on Claimant's alleged failure to return required 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. Claimant applied for SDA benefits on 3/16/10, and claimed she had a physical disability.
2. DHS mailed Claimant a Medical Determination Verification Checklist (DHS-3503-MRT) (Exhibits 16-17) on 3/24/10 giving Claimant until 4/5/10 to return a DHS-49, DHS-49-F, DHS49-G and DHS-1555.
3. The DHS-3503-MRT also stated, "Provide the last 12 months medical records to include tests, clinic notes and discharge summaries... Failure to return requested verifications will cause for case denial. If an extension is needed you must call on or before the due date to request."

4. On 4/2/10, Claimant returned a completed DHS-49-F (Exhibits 8-10), DHS-49-G (Exhibits 11-15), DHS-1555 (Exhibits 1-2) and a handwritten continuation page for the DHS-49-G (Exhibits 6-7).
5. Also on 4/2/10, Claimant returned an incomplete DHS-49 (Exhibits 3-4) with Claimant's handwritten statement, "I do not have a regular physician."
6. On 4/5/10, DHS denied Claimant's request for SDA benefits based on Claimant's failure to return a completed DHS-49 or medical records.
7. Claimant requested a hearing on 5/10/10 disputing the DHS denial of SDA benefits.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

For all programs, DHS must request verifications when required by policy. BAM 130 at 1. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130 at 1. Verification is usually required at application or redetermination. *Id.*

For SDA benefits, DHS is to obtain medical evidence of the disability and submit it to the Disability Examiner for a determination. BEM 261 at 3. The client is required to complete all sections of the DHS-49-F, Medical-Social Questionnaire. BAM 815 at 3. Other medical documents are to be completed by the client's physician. *Id.* at 5.

For SDA benefits, clients are given 10 calendar days to provide requested verification. BAM 130 at 5. DHS must assist with obtaining verifications if a client requests and needs help. *Id.* at 3.

In the present case, it was not disputed that DHS properly requested required documents concerning Claimant's disability, waited the appropriate time limit (10 days) and that Claimant failed to meet the deadline. Claimant failed to submit medical records concerning her disability or have a DHS-49 completed by her physician within the 10 day time period given by DHS. Claimant did submit an uncompleted DHS-49 with Claimant's handwritten explanation, "I do not have a regular physician."

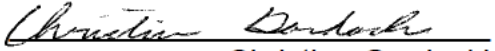
The undersigned is inclined to interpret Claimant's statement, "I do not have a physician" as a request for help in obtaining medical documents. DHS contends that Claimant could have called DHS to request an extension on the 10 days but failed to do so. The undersigned is not inclined to find that Claimant needed to make such a telephone call. Claimant's written statement that she did not have a regular physician was sufficient as a request for help in completing the form. At that point, DHS should have attempted to contact Claimant to determine what help was needed in completing the form. Claimant credibly testified that she had a physician who was not cooperative in completing the document. DHS has internal procedures for scheduling Claimant an appointment with a physician who can complete documentation on behalf of Claimant. It is found that Claimant failed to submit a properly completed DHS-49 but requested help from DHS which justified Claimant's failure.

DHS also contended that Claimant failed to submit medical documents by the verification due date. The undersigned fails to find a requirement for Claimant to submit medical records for SDA approval. DHS policy requires that Claimant submit a release so DHS can obtain the medical documents; Claimant signed and timely submitted her medical record release. It is found that failure by Claimant to submit medical records was not a sufficient basis for DHS to deny Claimant's SDA application.

In addition to the aforementioned issues, DHS assumes that DHS policy gives clients 10 days to submit document or face a denial of an application; the DHS policy is not so clear-cut. DHS is to send a denial notice if the client indicates a refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. *Id* at 5. Claimant submitted all necessary documents to DHS that did not require assistance of a third party. Claimant's incomplete submission does not constitute a refusal to submit documents or a failure by Claimant to make a reasonable effort to submit the lacking documents. Based on the above findings, it is found that DHS improperly denied Claimant's application dated 3/16/10 due to the alleged failure by Claimant to return required verifications.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application dated 3/16/10 for SDA benefits. It is ordered that DHS reinstate Claimant's 3/16/10 application and for DHS to assist Claimant in the acquisition of a DHS-49. The actions taken by DHS are REVERSED.


Christian Gardocki
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: November 10, 2010

Date Mailed: November 10, 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 60 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.

CG/hw

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