

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. 201047126
Issue No. 2006; 4003
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: October 28, 2010
Macomb County DHS (12)

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 28, 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 5/7/10 application for State Disability Assistance (SDA) and Medical Assistance (MA) benefits due to Claimant's failure to submit documentation concerning having a disability.

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 and MA benefits on 5/7/10.
2. Claimant's basis for receiving SDA and MA benefits was based on being a disabled individual.
3. On 5/10/10, DHS mailed Claimant a Medical Determination Verification Checklist (Exhibit 2) requesting various medical documents including a Psychiatric/Psychological Examination Report (DHS-0049-D), Medical Residual Functional Capacity Assessment (DHS-0049-E) and Medical Social Questionnaire (DHS-0049-F).

4. Claimant failed to return any of the requested documents by the due date of 5/20/10.
5. DHS mailed Claimant an Eligibility Notice (Exhibit 3) denying Claimant's MA benefits on 5/25/10 due to Claimant's alleged failure to timely return "requested medical evidence".
6. DHS mailed Claimant a Notice of Case Action (Exhibit 4) denying Claimant's SDA benefits on 5/25/10 due to Claimant's alleged failure "to return documentation to complete disability determination".
7. On 6/3/10, Claimant requested a hearing on 6/3/10 disputing the denial of his SDA and MA benefits.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

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).

A request for program benefits begins with the filing of a DHS-1171 or other acceptable form. BAM 110 at 1. Before processing an application for SDA and/or MA benefits, DHS may require a client to verify information within their application. Verification is usually required at application. BAM 130 at 1. DHS must give clients at least ten days to submit verifications. *Id.* After the date passes for submission of verifications, DHS may send a negative action notice if the time period given has elapsed and the client has not made a reasonable effort to provide the information. BAM 130 at 5.

Clients may qualify under more than one MA category. Federal law gives them the right to the most beneficial category. The most beneficial category is the one that results in eligibility or the least amount of excess income. BEM 105 at 2. The possible conditions to obtain MA benefits are: pregnant, senior, under 21 years, disabled or over 65 years of age. The only applicable condition applicable to Claimant is as a disabled person.

For MA benefits, clients not determined by Social Security Administration as a disabled individual must verify the disability to DHS. BEM 260 at 2. A client not eligible for RSDI based on disability or blindness must provide evidence of his disability or blindness. DHS specialists are to do all of the following to make a referral to the Medical Review Team:

- Obtain evidence of the impairment (e.g., DHS-49, DHS-49-D or equivalent medical evidence/documentation).
- Complete a DHS-49-B, Social Summary.
- Obtain a DHS-49-F, Medical-Social Questionnaire, completed by the client.
- Obtain optional form DHS-49-G, Activities of Daily Living, completed by the client.
- Forward the medical evidence, DHS-49-B, DHS-49-F and DHS-49-G (optional) to the MRT, for claims of disability. *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 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 MA benefits, clients are given 10 calendar days to provide requested verification. If the client cannot provide the verification despite a reasonable effort, the time limit can be extended up to three times. *Id.* at 6. DHS must assist with obtaining verifications if a client requests and needs help.

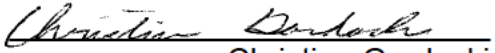
In the present case, DHS made a request from Claimant for documents concerning his disability. The Medical Determination Verification Checklist (Exhibit 1) verifies that DHS requested a DHS-0049-F and other medical forms. The DHS-0049-F is a required form for SDA and MA benefits. The DHS-0049-F is a form that clients complete; thus, there is

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little excuse for failing to return the form timely. It was not disputed that Claimant failed to timely return the DHS-0049-F as well as the other requested forms. DHS established that a proper request was made for required forms and that Claimant failed to timely return the forms by the deadline. It is found that DHS properly denied Claimant's request for SDA and MA benefits based on Claimant's failure to timely provide required medical documentation.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's 5/7/10 application for MA and SDA benefits. The actions taken by DHS are AFFIRMED


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

Date Signed: November 5, 2010

Date Mailed: November 5, 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.

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