

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: 2010-6139
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 9, 2010
Saginaw 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 telephone hearing was held on March 9, 2010, in Saginaw. Claimant personally appeared and testified under oath.

The department was represented by Connie Herman.

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly deny claimant's MA-P/SDA application based on claimant's failure to verify his eligibility factors, as requested by the due date?

FINDINGS OF FACT

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

- (1) On June 9, 2009, claimant applied for MA-P/SDA.

- (2) On July 27, 2009, the caseworker sent claimant a Verification Checklist (DHS-3503) to claimant's address of record.
- (3) The caseworker requested verification of claimant's disabilities.
- (4) The due date for providing the eligibility required verifications was August 6, 2009.
- (5) Claimant did not provide the required disability verifications by the due date.
- (6) Claimant did not request an extension in order to provide his verifications in a timely fashion.
- (7) The U.S. Postal Service did not return the DHS-3503 notice to the department as undeliverable.
- (8) Claimant did not receive the DHS-3503 due to postal problems.
- (9) On August 9, the caseworker denied claimant's application due to his failure to verify his disability. The denial notice was sent to claimant's address of record.
- (10) On August 27, 2009, claimant requested a hearing.

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 (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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).

Under the department's eligibility manual (BEM) assets (400), income (500) and disability (260 and 261) requires that eligibility factors be established in order to receive benefits. In addition, any items bearing on eligibility, which the caseworker deemed necessary, must be verified. The department's BEM Item 210 states in pertinent part:

Clients must take action within their ability to obtain verifications. The department's staff must assist when necessary. BAM 105.

The local office must assist clients who ask for help in completing forms or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, handicapped, or not fluent in English. BAM 105.

The preponderance of the evidence in the record shows that claimant has not met his burden of proof to establish he has a disability, as defined by the MA-P/SDA programs. Therefore, claimant has not met his burden of proof to establish eligibility for MA-P and SDA.

Based on a careful review of the entire record, the Administrative Law Judge concludes that the department did not act in an arbitrary or capricious manner in denying claimant's MA-P/SDA application.

Therefore, the department's action in denying claimant's MA-P/SDA application is correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the agency correctly denied claimant's applications based on his failure to establish eligibility for the programs in question by the verification due date of August 6, 2009.

Accordingly, the department's action is, hereby, AFFIRMED.

SO ORDERED.

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

Date Signed: May 17, 2010

Date Mailed: May 18, 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.

JWS/tg

cc:

