

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: 2010-26346
Issue No: 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 20, 2010
Ionia 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 April 20, 2010 in Ionia. Claimant personally appeared and testified under oath.

The department was represented by Steve Speiser (FIM).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly deny claimant's request for SDA because claimant did not verify her SDA eligibility 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 July 20, 2009, claimant applied for SDA.

(2) On July 20, 2009, the department mailed the Verification Checklist (DHS-3503) to claimant requesting verification of her eligibility factors. The due date for providing all eligibility verifications was July 30, 2009.

(3) Claimant did not provide all of the requested eligibility verifications to the department by July 30, 2009, as requested. Claimant failed to provide a good cause reason for her failure to submit the requested forms by the due date.

(4) Claimant submitted verifications on August 19 and September 29, 2009.

(5) Claimant did not ask the department for an extension of the due date.

(6) On October 3, 2009, the department notified the claimant that her SDA application had been denied due to claimant's failure to verify all of her eligibility factors by the due date.

(7) On December 2, 2009, claimant filed a timely hearing request.

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).

Current manual policy regarding verification of eligibility factors may be summarized as follows:

DEPARTMENT POLICY

All Programs

The local office must do **all** of the following:

- . Determine eligibility.
- . Calculate the level of benefits.
- . Protect customer rights. BAM, Item 105, page 1.

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate

All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. PAM, Item 105, page 5.

Client Cooperation

The client is responsible for providing evidence needed to prove disability or blindness. However, you must assist the customer when they need your help to obtain it. Such help includes the following:

- . Scheduling medical exam appointments.
- . Paying for medical evidence and medical transportation.

See BAM 815 and 825 for details. BEM, Item 260, page 4.

Under current manual policy, SDA applicants must cooperate with their caseworkers in determining initial and ongoing eligibility. This includes completion of the necessary forms in a timely fashion, as determined by the department. BAM 105.

Currently SDA policy does not permit a “good cause” exception to the SDA verification requirements.

The preponderance of the evidence in the record shows that claimant's caseworker correctly requested verification of claimant's SDA eligibility factors, including income, assets and the nature and scope of claimant's disability. The department gave claimant ample time (ten days) to provide the required verification information. Claimant did not request an extension of the due date, nor did she ask her caseworker for assistance.

The preponderance of the evidence in the record shows that claimant did not submit the required SDA disability verifications requested by the two Verification Checklists mailed by the department to claimant on July 20, 2009.

Therefore, the department correctly denied claimant's SDA application because claimant failed to verify her eligibility requirements on or before July 30, 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly denied claimant's July 20, 2009 SDA application due to claimant's failure to verify all eligibility factors in a timely fashion by the due date.

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 18, 2010

Date Mailed: May 19, 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:

