

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

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 201033771
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 20, 2010
Wayne County DHS (43)

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 September 20, 2010. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], [REDACTED], appeared and testified.

ISSUE

Whether DHS properly denied Claimant's application dated 11/20/09 requesting State Disability (SDA) and Medical Assistance (MA) benefits due to Claimant's failure to submit verifications concerning her 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 11/20/09.
2. As part of Claimant's application, Claimant indicated she believed herself to be a disabled person.
3. As of the time of Claimant's application, she was not receiving **Social** Security Administration (SSA) benefits.
4. On 11/21/09, DHS requested various forms including a DHS-49 as proof of Claimant's disability.

5. DHS interviewed Claimant on 12/9/09 but Claimant expressed no problems in the completion of the DHS-49 by her physician.
6. Following the 12/9/09 interview, DHS extended the due date for the verifications an additional 10 days.
7. By 1/30/10, Claimant failed to submit the DHS-49 or any medical documents which would verify a disability.
8. DHS denied Claimant's application for SDA and MA benefits due to Claimant's failure to submit the DHS-49 or any other documents which would verify that she had a disability.
9. Claimant requested a hearing on 2/5/10 disputing the denial of her SDA and MA benefit application.

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).

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.

To receive SDA benefits, a person must be disabled, caring for a disabled person, or age 65 or older. BEM 261 at 1. Claimant is not caring for a disabled person or over 65 years of age. Claimant's only basis for SDA benefits would be a finding that she is disabled.

Clients may qualify for MA benefits through 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. As a non-caretaker and non-pregnant person between the years of 21-65 who claimed to be disabled, Claimant could only receive MA benefits through Aged/Disabled Care (AD-Care). AD-Care based on disability requires proof of disability. BEM 163 at 1.

A client not eligible for RSDI based on disability or blindness must provide evidence of his disability or blindness. BAM 260 at 3. DHS specialists are directed to obtain evidence of the impairment from the client using any of the following: DHS-49, DHS-49-D or equivalent medical evidence/documentation). *Id.*

In the present case, DHS requested verification of Claimant's disability on 11/21/09. DHS extended the due date for the disability verifications following a 12/9/09 interview with Claimant. As DHS did not deny Claimant's application until 1/30/09, Claimant had **over** 60 days to submit the required proof of disability. Claimant conceded that she failed to submit a DHS-49, or any other documentation concerning her disability. Though Claimant testified that she made attempts to obtain medical documentation from her physician, Claimant conceded that she never informed DHS of those problems.

DHS established that required verifications were properly requested, Claimant was given ample time to return the verifications and that DHS properly denied Claimant's application when the verifications were not submitted. It is found that DHS properly denied Claimant's request for SDA and MA benefits due to Claimant's failure to verify her disability.

DECISION AND ORDER

The actions taken by DHS are AFFIRMED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's 11/20/09 request for MA and SDA benefits due to Claimant's failure to submit documentation which verified a disability.

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

Date Signed: _____

Date Mailed: _____

201033771/CG

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 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.

CG/hw

cc:

