

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. 201039620
Issue No. 4003
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: August 4, 2010
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Wednesday, August 4, 2010. The claimant personally appeared and testified with his attorney, [REDACTED]

ISSUE

Did the department properly deny the claimant's State Disability Assistance (SDA) application based on his failure to provide the required verification to determine eligibility?

FINDINGS OF FACT

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

1. On December 11, 2009, the claimant submitted a filing form to apply for SDA. Department Exhibit 1.
2. On January 26, 2010, the department caseworker sent the claimant a pending application notice to complete and fill out an application. Department Exhibit 2-4.
3. On February 5, 2010, the claimant returned invoices for medical appointments. Department Exhibit 6-9.

4. On February 5, 2010, the department caseworker called the claimant to determine if he was sending in medical records and told the claimant that the invoices were not sufficient medical records where the claimant requested an extension until February 15, 2010. Department Exhibit 5.
5. On February 18, 2010, the department caseworker denied the claimant's case and sent the claimant a notice that the department was unable to process his request for SDA because the department did not receive updated medical records. Department Exhibit 10-13.
6. On February 24, 2010, the department received a hearing request from the claimant, contesting the department's negative action.
7. During the hearing, the claimant stated that he spoke to the department caseworker who did not inform the claimant that there was a deadline.
8. This Administrative Law Judge notes that the January 26, 2010 verification checklist states that proofs must be due by February 5, 2010.

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).

The department's program eligibility manuals provide the following relevant policy statements and instructions for caseworkers:

DEPARTMENT POLICY

All Programs

Clients have rights and responsibilities as specified in this item.

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

- . Determine eligibility.
- . Calculate the level of benefits.
- . Protect client rights. PAM, Item 105, p. 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, p. 5.

Client Cooperation

The client is responsible for providing evidence needed to prove disability or blindness. However, you must assist the client 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 PAM 815 and 825 for details. PEM, Item 260, p. 4.

All Programs

Clients must completely and truthfully answer all questions on forms and in interviews. PAM, Item 105, p. 5.

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. PAM, Item 105, p. 5.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See PAM 130 and PEM 702. PAM, Item 105, p. 8.

LOCAL OFFICE RESPONSIBILITIES

All Programs

Ensure client rights described in this item are honored and that client responsibilities are explained in understandable terms. Clients are to be treated with dignity and respect by all DHS employees. PAM, Item 105, p. 8.

Obtaining Verification

All Programs

Tell the client what verification is required, how to obtain it, and the due date (see “**Timeliness Standards**” in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification. PAM, Item 130, p. 2.

Timeliness Standards

All Programs (except TMAP)

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit at least once. PAM, Item 130, p. 4.

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed and the client has not made a reasonable effort to provide it. PAM, Item 130, p. 4.

The credible, competent, and material evidence on the record clearly establishes that the department complied with its verification policy to the letter in this case. The claimant applied for benefits on December 11, 2009 by submitting a filing form. The department caseworker sent the claimant a verification checklist to provide written verification to determine eligibility on January 26, 2010 that was due on February 5, 2010. On February 18, 2010, when no medical records were received from the claimant, the department caseworker denied the claimant’s application.

Applicants and recipients have the ultimate responsibility to cooperate in the eligibility determination process, which includes providing written verification required for the department caseworker to determine eligibility. Therefore, the department has established that it was acting in compliance with department policy by determining that the claimant did not provide the required verification by the required due date to determine SDA eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department has appropriately established that it was acting in compliance with department policy when it denied the claimant's SDA application for failure to provide required verification.

Accordingly, the department's decision is **AFFIRMED**.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: September 30, 2010

Date Mailed: October 1, 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 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.

CGF / vc

cc:

