

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: 2010-41929
Issue No: 4003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 16, 2010
Berrien County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

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 September 16, 2010. The claimant personally appeared and provided testimony, along with his mother, [REDACTED].

ISSUE

Did the department properly deny the claimant's State Disability Assistance (SDA) application on February 9, 2010 for failure to return the required verifications?

FINDINGS OF FACT

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

1. The claimant applied for SDA on November 30, 2009.
2. On December 21, 2009, the department mailed the claimant a Medical Determination Verification Checklist (DHS-3503MRT) that required the claimant to submit several medical forms by January 4, 2010. (Department Exhibit A)

3. On February 9, 2010, the department denied the claimant's SDA application as they had not received the medical documentation. (Department Exhibit B)

4. The claimant submitted two hearing requests—one on April 5, 2010 and one on April 19, 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department policy states:

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.

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.

Assisting the Client

All Programs

The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or **not** fluent in English. PAM, Item 105, p. 9.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. PAM, Item 130, p. 1.

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.

The client must obtain required verification, but you must assist if they need and request help. 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.

MA Only

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed. PAM, Item 130, p. 4.

In this case, the claimant is disputing the denial of his SDA benefits. The claimant believed that he had received the Medical Determination Verification Checklist (DHS-3503MRT) and the accompanying Medical Examination Report (DHS-0049); Psychiatric/Psychological Examination Report (DHS-0049D); Mental Residual Functional Capacity Assessment (DHS-0049E); Medical Social Questionnaire (DHS-0049F); Activities of Daily Living (DHS-0049G); DHS-3975 Reimbursement Authorization and DHS-1555 Authorization to Release Protected Health Information. These forms needed to be completed and returned to the department by January 4, 2010. The Verification Checklist specifically stated “you must get the proofs to me by the due date above. If you do not, your benefits may be denied, decreased or cancelled. Call me right away if you have questions or problems getting the proofs.”

The claimant testified that he believed he had turned these forms into the department. The claimant and his mother testified that they turned in medical records sometime in late 2009. The department worker checked the claimant’s case file and he did turn in medical records back in November of 2009. However, the medical records he submitted were from a [REDACTED] and dated August 13, 2008. These records were too old for the department to use to consider the claimant’s 2009 SDA application. This was the reason the department had requested new documentation.

Department policy indicates that clients must cooperate with the local office in determining initial and ongoing eligibility, which includes completion of the necessary forms. BAM 105. When the department did not receive the completed medical forms by the due date, the department had no choice but to deny the claimant’s SDA application as they did not have current documentation to base their eligibility decision upon.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied the claimant's SDA application for failure to return the required medical documentation.

Accordingly, the department's actions are UPHELD. SO ORDERED.

/S/ _____
Suzanne L. Morris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 6, 2010

Date Mailed: October 6, 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.

SLM 

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