

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: 2010-41960
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 9, 2010
Lenawee 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 September 9, 2010 in Adrian. Claimant personally appeared and testified under oath.

The department was represented by Michele Ritchie (FIS).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUES

(1) Did the department correctly close claimant's [REDACTED] [REDACTED]-related SDA on June 30, 2010) because [REDACTED] closed claimant's case in September 2009?

(2) Did the department correctly deny claimant's MA-P/SDA disability application (September 7, 2010) due to an MRT denial?

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 is a former [REDACTED]-related SDA recipient.

(2) [REDACTED] closed claimant's case in September 2009. Claimant did not report the [REDACTED] closure to the department within ten days as required.

(3) Claimant's [REDACTED]-related SDA closed on June 30, 2010, because the caseworker discovered belatedly that claimant's [REDACTED] case was closed. Proper notice was sent to claimant.

(4) Claimant's due date for filing a timely hearing request to keep her SDA open, pending the hearing, was June 7, 2010.

(5) The department received a hearing request on claimant's SDA closure on June 25, 2010.

(6) On July 9, 2010, the caseworker sent claimant a DHS-3503-MRT Verification Checklist. The caseworker requested medical verification, from a doctor, of claimant's physical and mental impairments.

(7) The due date for the DHS-3503-MRT was August 20, 2010.

(8) The claimant did not provide complete verification of her mental and physical impairments, with a suitable doctor's statement, by the August 20, 2010 due date.

(9) The caseworker submitted the medical information that she was able to obtain to MRT.

(10) On September 7, 2010 the caseworker denied claimant's MA-P/SDA disability application due to a determination by MRT on September 7, 2010 that claimant did not meet the disability requirements.

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).

The following policies apply to the issues raised by claimant.

VERIFICATIONS

All Programs

All clients must take action within their ability to obtain verifications. DHS staff must assist when necessary. See PAM/BAM 130, PEM/BEM 720, and PAM/BEM 150. Also PAM/BAM 500.

Current department policy requires that SDA recipients cooperate with the local office in determining initial and ongoing eligibility for SDA benefits.

This includes completion of the necessary forms, a face-to-face meeting, when requested, and verifying all income and assets. PAM/BAM 105.

The preponderance of the evidence in the record shows that claimant failed to verify her current [REDACTED] status within ten days. The department did not know that claimant's [REDACTED] case had closed until June 2010. This means that claimant received an SDA overissuance for eight months.

The caseworker also attempted to assist claimant in providing medical documentation to establish MA-P/SDA benefits based on disability.

Claimant did not submit all of the medical verifications requested by the caseworker; however, the caseworker submitted the information that she had in the file and MRT denied claimant's application due to claimant's failure to establish a disability which falls within the MA-P/SDA guidelines.

Therefore, the action taken by the department is correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly requested verification of claimant's mental and physical impairments. Claimant failed to submit medical evidence which meets the MA-P/SDA disability requirements.

Also, the department correctly closed claimant's [REDACTED]-related SDA because claimant's [REDACTED] case was closed in September 2009.

Claimant never properly notified the department that her [REDACTED] case had closed.

Therefore, the action taken by the department is, hereby, **AFFIRMED**.

SO ORDERED.

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

Date Signed: September 20, 2010

Date Mailed: September 21, 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

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