

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: 2010-9267
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 13, 2010
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 May 13, 2010. Claimant personally appeared and testified.

ISSUE

Did the department correctly deny claimant's State Disability Assistance (SDA) application in September, 2009?

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 on June 12, 2009.
2. On August 4, 2009 department issued the claimant a Verification Checklist, DHS-3503, giving him until August 14, 2009 to provide certain verifications, including physician's statement of disability.

3. The Checklist states that the claimant must provide proofs or call the caseworker by the due date, or his benefits may be denied. The Checklist also states that the claimant is to call the caseworker right away if he has any questions or problems getting the proofs, as the department may be able to help him get the proofs if he asks for help.

2. On September 14, 2009 department denied claimant's application and mailed him a Notice of Case Action stating he failed to verify necessary information.

3. Department cited in the Hearing Summary that the claimant specifically failed to provide the Medical Examination Report or the Mental Residual Functional Capacity Assessment. Hearing Summary also states that the claimant was counseled at face to face interview of the importance of this paperwork.

4. Claimant requested a hearing on September 24, 2009.

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).

Claimant applied for SDA apparently claiming he was unable to work due to a disability. To receive SDA, a person must be disabled for a period of at least 90 days, caring for a disabled adult, active client of [REDACTED], or age 65 or older, among other requirements. BEM 261. Claimant was stating he was disabled. Departmental policy requires that the department obtain medical records in order for a determination of disability to be made. Department requested that the claimant obtain a completed Medical Examination Report from a

treating physician and gave the claimant a full month to do so before denying his application. Department's policy requires that only 10 days be given for return of verification unless the client contacts the department and asks either for a time extension or assistance from the caseworker to obtain requested verifications. BAM 130.

Claimant's hearing testimony is that he went to his doctor's office but saw a sign there that they charge for completion of forms, and he did not have any money to pay for this. Claimant admits that he did not call his caseworker to ask for help with obtaining the completed medical report. Verification Checklist given to the claimant clearly advises him to do so. Department, not having any contact from the claimant for over a month after he was given the Verification Checklist, had no choice but to deny his SDA application. Claimant was advised to re-apply for SDA and department's representative will assist him in doing so.

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 SDA application in September, 2009.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/

Ivona Rairigh
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 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.

IR/tg

cc:

