

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

IN THE MATTER OF:



Reg. No: 201112031
Issue No: 2006, 4003
Case No: [REDACTED]
Hearing Date:
April 7, 2011
Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

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 received on December 13, 2010. After due notice, a telephone hearing was held on April 7, 2011. Claimant appeared and provided testimony.

ISSUE

Whether the department properly denied Claimant's application for Medical Assistance (MA) and State Disability Assistance (SDA)?

FINDINGS OF FACT

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

1. On October 29, 2010, Claimant applied for MA and SDA benefits. (Hearing Summary).
2. On November 9, 2010, the department mailed Claimant an Appointment Notice (DHS 170), informing Claimant that she was to attend an appointment with a DHS specialist on November 18, 2010 at 8:00 a.m. regarding her application. (Department Exhibit 40).
3. On November 10, 2010, the department mailed Claimant a Medical Determination Verification Checklist (DHS 3503), requesting that Claimant complete four enclosed forms (DHS-0049-F Medical Social Questionnaire; DHS-1555 Authorization to Release Protected Health Information; DHS-0049-G Activities of Daily Living; and DHS-3975 Reimbursement

Authorization) by no later than November 22, 2010. (Department Exhibit 41).

4. Claimant attended the November 18, 2010 appointment and, at that time, provided the DHS specialist with two of the four completed forms (the DHS-1555 and DHS-3975). At that time, the DHS specialist advised Claimant that she could submit the remaining two forms (the DHS-0049-F and DHS 0049-G) the following week. (Claimant Exhibit 2).
5. Claimant did not submit the completed DHS-0049-F and DHS 0049-G forms.
6. On December 1, 2010, the department mailed Claimant a Notice of Action (DHS 1605), informing Claimant that her application for MA and SDA had been denied for failure to return the requested verifications.
7. On December 13, 2010, Claimant submitted a hearing request protesting the denial of her MA and SDA application. (Request for a Hearing).

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

The Medical Assistance (MA) program was 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.

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, was established by 2004 PA 344. The department administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. State Disability Assistance (SDA) is a cash program for individuals who are not eligible for the Family Independence Program (FIP) and are disabled or the caretaker of a disabled person. An SDA eligibility determination group (EDG) consists of either a single adult or adult and spouses living together. BEM 214.

Department policies for both programs are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department policy states that clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. Clients must take actions within their ability to obtain verifications and the department must assist Clients when necessary. BAM 105.

The local office must assist clients who ask for help in completing forms or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or not fluent in English. BAM 105. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130.

For MA, the Client is allowed 10 calendar days (or other time limit specified in policy) to provide the verification requested. If the Client cannot provide the verification despite a reasonable effort, the time limit is extended up to three times. BAM 130. A Notice of Case Action is sent when the Client indicates refusal to provide a verification, or the time period given has elapsed. BAM 130.

In this case, on November 10, 2010, the department provided Claimant with a Medical Determination Verification Check list (DHS 3503), requiring that she complete and submit four enclosed forms by no later than November 22, 2010. At her November 18, 2010 appointment with a DHS specialist, Claimant completed and submitted two of the forms and was advised by the DHS specialist to submit the remaining two forms the following week. Claimant never did so.

At the hearing, Claimant testified that, during the time period in question, she was recovering from a traumatic event and overwhelmed by, among other things, the documentation she was required to gather and submit by a certain date pursuant to her MA and SDA application. Claimant admitted, however, that she did not ask the department for additional time or assistance beyond the extra time she was given at her November 18, 2010 appointment for the completion of the two outstanding forms – and, indeed, Claimant acknowledged that her first opportunity to submit the completed forms was not until her April 7, 2011 hearing.

On December 1, 2010, the department denied Claimant's application for MA and SDA benefits for failure to return the required forms. This Administrative Law Judge finds that, based on the material and substantial evidence presented during the hearing, the department acted in accordance with policy in denying Claimant's application for MA and SDA benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department acted in accordance with policy in denying

Claimant's application for MA and SDA benefits for failure to provide the requested verifications. The department's decision is therefore UPHeld.

It is SO ORDERED.

 /s/

Suzanne D. Sonneborn
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: April 14, 2011

Date Mailed: April 15, 2011

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.

SDS/ac

cc:

[REDACTED]