

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: 201116653
Issue No: 2006
Case No: [REDACTED]
Hearing Date: March 10, 2011
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

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, claimant appeared from his home by conference telephone.

ISSUE

Did the DHS properly close claimant's MA—disability case?

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 December 15, 2010, claimant requested a hearing.
2. Claimant had previously requested a hearing on the closure of his MA disability case due to claimant's failure to comply with a redetermination request. That hearing request in the review of the closure at redetermination has been reviewed at a different administrative hearing. See Reg No [REDACTED].
3. On November 22, 2010—after the department had already issued notice of closure due to claimant's failure to comply with the redetermination process—claimant came into the DHS office for a FAP redetermination. At that time, claimant was advised to complete a new MA application—DHS 1171.
4. On November 22, 2010, the DHS has failed to close claimant's MA case and pended until the end of the year expecting claimant to complete a new MA application so his benefits would not be interrupted. At the time of the

meeting, the department informed claimant that he needed to submit his pay stubs.

5. Claimant testified that he submitted the pay stubs in late October early November, 2010.
6. To date, the department does not have the pay stubs. Claimant's MA-P case closed December 31, 2010.

CONCLUSIONS OF LAW

General verification policy and procedure states in part:

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.

All Programs

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

The client might be unable to answer a question about himself or another person whose circumstances must be known. Allow the client at least 10 days (or other timeframe specified in policy) to obtain the needed information. 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.

Responsibility to Report Changes

All Programs

This section applies to all groups **except** most FAP groups with earnings.

Clients must report changes in circumstances that potentially affect eligibility or benefit amount. Changes must be reported **within 10 days**:

- . after the client is aware of them, or
- . the start date of employment. PAM, Item 105, p. 7.

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.

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.

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.

In this case, the claimant was given a new application to complete and deliver. It is unclear if the department ever received the application. In any case, claimant's MA case was continued open and would have remained open if the department received the application with the necessary verifications. Unrefuted evidence on the record indicates that to date, the department still does not have claimant's bank statements which were necessary to either continue claimant's MA and/or open a new MA on his behalf.

Claimant's testimony was that he sent the verifications in late October or early November. However, this does not make sense if claimant was told on November 22, 2010 to deliver the bank statements.

Under these facts and testimony, the department correctly failed to continue and/or reopen claimant's MA. The department is required under federal law to ensure that individual's receiving welfare have verifications in their file establishing their eligibility. Without the bank statements, the department could not establish eligibility for claimant and thus, the department's actions are upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's actions were correct.

Accordingly, the department's actions are UPHELD.

/S/

Janice G. Spodarek
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: March 22, 2011

Date Mailed: March 22, 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 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.

JGS/db

cc:

