

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-33400
Issue No.: 4003
Case No.: [REDACTED]
Hearing Date: June 29, 2011
DHS County: Wayne (82-49)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan, on Wednesday, June 29, 2011. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly denied the Claimant's application for State Disability Assistance ("SDA") benefits?

FINDINGS OF FACT

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

1. The Claimant submitted an application for public assistance seeking SDA benefits on March 15, 2011. (Exhibit 1)
2. On this same date, the Department provided the Claimant a Verification Checklist requesting that information be submitted by March 25, 2011. (Exhibit 2)
3. The Department did not receive the verifications on or before March 25, 2011.
4. On or about April 3, 2011, the Department sent a Notice of Case Action to the Claimant informing him of the denial based on the failure to submit the requested verifications in a timely manner.

5. On or about April 21, 2011, the Department received the Claimant's written request for hearing.

CONCLUSIONS OF LAW

The 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 Michigan Administrative Code ("MAC R") 400.3151 – 400.3180. Department policies are found in Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Manual ("RFT"). A person is considered disabled for SDA purposes if he/she:

- Receives other specified disability-related benefits or services, or
- Resides in a qualified Special Living Arrangement facility, or
- Is certified as unable to work due to mental or physical disability for at least 90 days from the onset of the disability, or
- Is diagnosed as having Acquired Immunodeficiency Syndrome.

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130. Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. BAM 130. Verifications are considered timely if received by the due date. BAM 130.

In this case, the Claimant submitted an application for SDA benefits on March 15, 2011. At that time, the Department gave the Claimant a Verification Checklist requesting the information be submitted by March 25th. The Verification was not received by the due date. As a result, the Department denied the application on or about April 3, 2011. The Claimant testified, although he was unsure of the exact date, that he had mailed the verifications to the Department. The Department had no record of having received the information on, or prior to, March 25th. Subsequently, the Department received the information and the Claimant has since been approved for benefits with the Michigan Rehabilitative Services. Ultimately, under this factual scenario, the Department established it acted in accordance with Department policy when it denied the Claimant's application. Accordingly, the Department's actions are AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds the Department acted in accordance with Department policy when it denied the Claimant's SDA application.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: July 6, 2011

Date Mailed: July 7, 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.

CMM/pf

cc:

