

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

IN THE MATTER OF:



Reg. No: 20113778
Issue No: 2006
Case No: [REDACTED]
Hearing Date:
March 10, 2011
Washtenaw County DHS (20)

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 August 24, 2009. After due notice, a telephone hearing was held on March 10, 2011. Claimant and Claimant's daughter appeared and provided testimony.

ISSUE

Whether the department properly denied Claimant's application for 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. Claimant applied for SDA on July 17, 2009. (Hearing Summary).
2. On July 17, 2009, the department mailed Claimant a Verification Checklist (DHS 3503), requesting verification of Claimant's medical expenses and disability by no later than July 27, 2009. (Department Exhibits 1-2).
3. Claimant did not provide the requested verifications.
4. On July 29, 2009, the department mailed Claimant a Notice of Action (DHS 1605), informing Claimant that her application for SDA had been denied for failure to return the requested verifications.
5. On August 18, 2009, Claimant submitted a hearing request protesting the denial of her 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 State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, was 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.

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 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 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.

A client must be given 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 department should extend the time limit at least once. BAM 130. The department should send a negative case action when (i) the client indicates a refusal to provide a verification; or (ii) the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130.

In this case, Claimant applied for SDA and, thereafter, the department provided Claimant with a Verification Checklist (DHS 3503), requesting proof of her medical expenses and disability, with a due date of July 27, 2009. On July 29, 2009, the department denied Claimant's SDA application for failure to return the required verification.

During the hearing, Claimant initially testified that she never received the Verification Checklist or any other documents that the department mailed to her at the address she provided. However, after it was established that Claimant had in fact received a different mailing from the department in August 2009 and responded with a handwritten note to the department, Claimant acknowledged that it was "possible" she received the documents in question but simply cannot remember it.

The Administrative Law Judge finds that, based on the material and substantial evidence presented during the hearing, that the department acted properly by denying Claimant's SDA application for failure to return the required verification.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied Claimant's SDA application for failure to return the necessary verification.

Accordingly, the department's actions are UPHeld.

It is SO ORDERED.

____/s/

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

Date Signed: March 17, 2011

Date Mailed: March 18, 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.

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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/alc

cc:

