

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: 20118662
Issue No: 2006/4003
Case No: [REDACTED]
Hearing Date: March 16, 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, a telephone hearing was held on March 16, 2011.

ISSUE

Did the DHS properly propose to close claimant's MA-P and SDA on the grounds that claimant failed to cooperate with the department's verification requests?

FINDINGS OF FACT

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

1. At all relevant times prior to the proposed negative action herein, claimant was an MA-P and SDA recipient with the Michigan DHS.
2. Claimant was previously approved by MRT pursuant to a February 4, 2010 application.
3. On September 29, 2010, the DHS issued a DHS-1551 to claimant informing claimant that the DHS became aware that claimant was denied Social Security on March 22, 2010. The DHS informed claimant that she was required to submit verifications of having reapplied or appealed the Social Security ruling. Verification was due by October 11, 2010. See Exhibits 4, 5 and 6.
4. Claimant failed to submit the verification.

5. On November 1, 2010, the DHS issued a notice of closure to claimant informing her that her MA-P and SDA cases will close for failure to comply with the department's verification request.
6. Claimant filed a hearing request on November 24, 2010. The department did not need to but did in fact reinstate the action pending the outcome of the hearing. Claimant continues to receive benefits.
7. Claimant was subsequently approved Social Security, not at issue herein.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is 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. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Applicable policy and procedure to the case herein is found in BEM Items 270 and 271. Those items indicate that an individual is required to apply for benefits for which they may be eligible as a condition of receiving welfare benefits with the Michigan DHS.

Under general verification policy and procedure, the department was required to issue specific notice informing claimant as to specifically what was necessary and when it was due. A review of the record indicates that the department has complied with its verification policy and procedure as found in BAM Items 105-115.

After careful review of the substantial and credible evidence on the whole record, this Administrative Law Judge finds that the department correctly proposed to close claimant's cases for failure to comply with the pursuit of benefits policy. The department's proposed actions are upheld.

It is noted that claimant's subsequent pending approval by Social Security is irrelevant. The purview of the Administrative Law Judge is to focus on the action the department took at the time it took the action. Under these parameters, this Administrative Law Judge finds that the department's proposed closure was correct.

DECISION AND ORDER

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

Accordingly, the department's proposed closure is, hereby, UPHELD.

/s/

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

Date Signed: March 25, 2011

Date Mailed: March 28, 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:

