

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

IN THE MATTER OF:

[REDACTED]

[REDACTED]

[REDACTED]

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on [REDACTED]. After due notice, a telephone hearing was held on [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's State Disability Assistance (SDA) eligibility?

FINDINGS OF FACT

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

1. The Claimant submitted an application for State Disability Assistance (SDA).
2. The Department sent the Claimant a series of forms for the purpose of verifying the Claimant's disability.
3. On [REDACTED], the Department notified the Claimant that it had denied her State Disability Assistance (SDA) application for failure to provide information necessary to determine her eligibility to receive benefits.
4. The Department received the Claimant's request for a hearing on [REDACTED], protesting the denial of her State Disability Assistance (SDA) application.

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

Clients are allowed ten calendar days to provide the verifications requested by the Department. BAM 130. The Department should send a negative action notice when the client indicates a refusal to provide the verification, or the time period provided has lapsed and the client has not made a reasonable effort to provide it. BAM 130. The Department should extend the time limit no more than once if the client cannot provide the verification despite a reasonable effort. BAM 130.

In the case, the Claimant applied for State Disability Assistance (SDA) benefits. The Department sent the Claimant a series of forms for the purpose of verifying the Claimant's disability. When the Department only received one of the forms it sent to the Claimant, it denied the Claimant's application for State Disability Assistance (SDA) benefits on [REDACTED].

The Claimant argued that she submitted her verification forms to her physician and was relying on her physician to submit the completed documentation to the Department.

The Claimant has a duty to establish that she is eligible for benefits. The Claimant also had a duty to submit information to the Department that is necessary to determine her eligibility to receive benefits. This duty to submit information cannot be delegated to a third party. In this case, the Claimant has not established that she submitted the necessary information to the Department to determine her eligibility for State Disability Assistance (SDA) benefits.

Based on the evidence and testimony available during the hearing, the Department has established that it properly determined the Claimant's eligibility for State Disability Assistance (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 determining the Claimant's State Disability Assistance (SDA) eligibility.

The Department's State Disability Assistance (SDA) eligibility determination is AFFIRMED. It is SO ORDERED.

_____/s/_____

Date Signed: _____

Date Mailed: _____

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 60 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.

