

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

IN THE MATTER OF		Reg. No:	

[REDACTED]

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 [REDACTED]. The Claimant appeared and provided testimony.

ISSUE

Did Claimant make a reasonable effort to cooperate with the Department in determining her 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. Claimant submitted an Application for Assistance on [REDACTED]. (Department Exhibit 1, pgs. 1-13).
2. The Claimant completed the in-person interview on [REDACTED] (Department Exhibit 1, pg 13).
3. Department sent a Verification Checklist to the Claimant at the wrong address on [REDACTED] (Department Exhibit 1, pgs 18-19).
4. Department sent a second Verification Checklist to the Claimant at the correct address on [REDACTED]. [REDACTED] obtain her medical documents as she was unable to afford the copies.

6. On [REDACTED] the Claimant was sent a Notice of Case action denying the SDA application for failure to provide medical documentation. (Department Exhibit 1, pgs 27-29).
8. On [REDACTED] the Department received the Claimant's Request for 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 - .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) An opportunity for a hearing shall be granted to an applicant who requests a hearing because of a denial. MAC R 400.903(2).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), State Emergency Relief Manual (ERM) and the Bridges Reference Manual (BRM).

Department policy states:

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. BAM, 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. BAM, Item 105, p. 5.

**Verifications
All Programs**

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See BAM 130 and BEM 702. BAM, 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. BAM, Item 105, p. 10.

Verification is usually required at application /redetermination **and** for a reported change affecting eligibility or benefit level. BAM, Item 130, p. 1.

**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. BAM, Item 130, p. 2-3.

The client must obtain required verification, but you must assist if they need and request help. BAM, Item 130, p. 3.

**Timeliness Standards
All Programs (except TMAP)**

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit at least once. BAM, Item 130, p. 5.

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. BAM, Item 130, p. 5.

The Claimant submitted an Application for Assistance. The Claimant requested SDA. The Department requested that the Claimant provide documentation of her disability. The Claimant testified credibly that she told the caseworker that she was homeless and was not able to afford copies of the documents. She requested that she be allowed to sign a form and have the Department obtain the documents. She stated that the caseworker assigned at that time told her the Department does not do that. The current caseworker was unable to refute this testimony. There is no evidence that the Department made any attempt to help the Claimant in gathering documents. Also, the Department initially sent the requests to the wrong address. This bolsters the Claimant's statements that she was unable to get assistance from the Department. Department policy requires that the Department shall assist clients in obtaining verifications if the client requests assistance. In this matter, it is found that the Department failed to assist the Claimant in obtaining the required documents to verify her disability. In conclusion, this Administrative Law Judge cannot find that Claimant failed to make a reasonable effort to provide verification to determine her eligibility for SDA benefits. The Claimant requested the Department to assist her.

DECISION AND ORDER

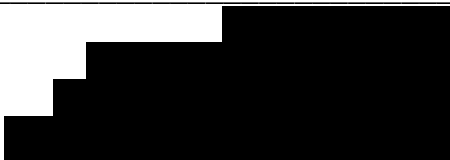
The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that Claimant made a reasonable effort to provide verification needed to determine her SDA eligibility.


Accordingly, the Department's SDA action is reversed. The Department shall:

1. Assist the Claimant in obtain her medical records.
2. Reprocess the Claimant's SDA application in accordance with Department policy.

3. Issue any retroactive SDA benefits the Claimant is otherwise eligible to receive.

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.

