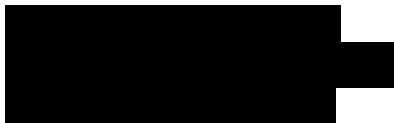


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201136030
Issue No: 4070
Case No: [REDACTED]
Hearing Date: July 13, 2011
Branch County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

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 July 13, 2011. Claimant personally appeared and provided testimony.

ISSUE

Whether the department properly denied the claimant's SDA/MA application for failure to cooperate with the required application process?

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 SDA/MA on January 6, 2011. (Department Hearing Summary).
2. Medical records were obtained and sent to the Medical Review Team (MRT). (Department Hearing Summary).
3. MRT sent back the claimant's medical packet and requested that he receive an internist exam. (Department Exhibit 4-7).
4. The department scheduled the claimant an appointment with an internist and arranged for transportation for the claimant as well. (Department Exhibit 3).
5. The claimant failed to attend the appointment and his application was subsequently denied on May 5, 2011. (Department Exhibit 3).

6. The claimant filed a hearing request May 27, 2011.

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. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

When a claimant applies for SDA or MA, policy dictates that the claimant is responsible for providing the evidence needed to establish disability or blindness. BEM 260. The department is also required to assist the claimant when needed in obtaining such information including scheduling medical exam appointments and paying for medical evidence and medical transportation. BEM 260.

If a claimant refuses or fails to submit to an exam necessary to determine disability or blindness, department policy states as follows:

A client who refuses or fails to submit to an exam necessary to determine disability or blindness cannot be determined disabled or blind and you should deny the application or close the case. It is not necessary to return the medical evidence to MRT for another decision in this instance. BEM 260.

In the case at hand, the claimant was scheduled for an exam with an internist regarding the determination for his claim of disability on April 5, 2011 and was provided transportation for such. The claimant testified that he failed to attend the scheduled

appointment because he was at a funeral. The claimant testified that he called the case worker the day before the funeral to inform them of the funeral arrangements, but also testified that he thought he would be back by the time of his scheduled appointment. He stated that the funeral and time it took for him to get home took longer than anticipated and he hence missed his appointment.

The case worker testified that she did not receive a communication from the claimant asking to re-schedule the exam and that when the exam was initially scheduled, she worked with the claimant to find a date and time that worked for him. His absence from the scheduled appointment, therefore cannot be excused, and the department acted properly in not sending the claimant's disability packet back to MRT for a determination.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department acted properly in not returning the claimant's disability application to the MRT.

Accordingly, the department's actions are **AFFIRMED**. IT IS SO ORDERED.

/s/

Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 19, 2011

Date Mailed: July 20, 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 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.

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