

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 2011-40310
Issue No. 4003
Case No. [REDACTED]
Load No. 8257000000
Hearing Date: September 28, 2011
Wayne County DHS (57)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a hearing was held in Detroit, Michigan on Wednesday, September 28, 2011. The Claimant appeared and testified. The Claimant was represented by [REDACTED]. [REDACTED] observed the proceedings. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly denied the Claimant's May 4, 2011 State Disability Assistance ("SDA") application?

FINDINGS OF FACT

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

1. The Claimant submitted an application for SDA benefits on May 4, 2011.
2. In response, the Department sent a Verification Checklist to the Claimant on May 10, 2011. (Exhibit 1)
3. The Verifications were due on May 20, 2011. (Exhibit 1)

4. The Department extended the due date to May 30, 2011 upon the Claimant's request.
5. The verifications were not received and on May 31, 2011, the SDA application was denied. (Exhibit 2)
6. On June 3, 2011, the Department received the Claimant's written request for hearing.

CONCLUSIONS OF LAW

The State Disability Assistance program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services, formerly known as the Family Independence Agency, administers the SDA program pursuant to MCL 400.10 *et seq.*, and Michigan Administrative Code Rules 400.315 1-400.3180. Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Tables ("RFT").

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130. Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. BAM 130. For MA-P purposes, if the client cannot provide the verification despite a reasonable effort, the time limit should be extended up to three times. BAM 130. Verifications are considered timely if received by the due date. BAM 130.

In this case, the Claimant submitted an application for SDA benefits on May 4, 2011. In response, the Department sent a verification checklist to the Claimant with a due date of May 20th. Prior to May 20th, the Claimant requested additional time to submit the requested information. The Department granted the request and extended the due date to May 30, 2011. There was no further communication between the parties and the verifications were not received on or before the due date. As such, on May 31st, the Department properly denied the application. Under these facts, the Department established it acted in accordance with Department policy when it processed and ultimately denied the May 4, 2011 SDA application. Accordingly, the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds the Department acted in accordance with Department policy when it processed and ultimately denied the Claimant's May 4, 2011 SDA application.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: September 30, 2011

Date Mailed: September 30, 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,

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- typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
- the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at

Michigan Administrative hearings
Re consideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CMM/cl

cc:

