

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

IN THE MATTER OF:

[REDACTED]  
[REDACTED]  
[REDACTED]

Reg. No: 20118287  
Issue No: 4003, 2006  
Case No: [REDACTED]

Hearing Date:  
March 2, 2011  
Gratiot County DHS

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**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 November 23, 2010. After due notice, a telephone hearing was held on Wednesday, March 2, 2011.

**ISSUE**

Whether the Department of Human Services (Department) properly determined the Claimant's State Disability Assistance (SDA) and Medical Assistance (MA) 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 applied for State Disability Assistance (SDA) and Medical Assistance (MA) benefits on October 14, 2010.
2. The Department sent the Claimant a Medical Determination Verification Checklist with a due date of November 4, 2010. The Department requested, among other things, a completed Medical Examination Report (DHS-49).
3. The Department denied the Claimant's applications for State Disability Assistance (SDA) and Medical Assistance (MA) benefits when it had not received the Medical Examination Report (DHS-49) as of November 18, 2010.

4. The Department received the Claimant's request for a hearing on November 23, 2010, protesting the denial of his State Disability Assistance (SDA) and Medical Assistance (MA) applications.

### **CONCLUSIONS OF LAW**

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Family Independence Agency (FIA or agency) administers the SDA program pursuant to MCL 400.10, et seq., and MAC R 400.3151-400.3180. Agency policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105, p. 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130, p. 1. 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, p. 1. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130, p. 1. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130, p. 2. 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, p. 4. 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, p. 4. The Department should extend the time limit no more than once if the client cannot provide the verification despite a reasonable effort. BAM 130, p. 4.

The Claimant applied for State Disability Assistance (SDA) and Medical Assistance (MA) benefits on October 14, 2010. The Department sent the Claimant a Medical Determination Verification Checklist with a due date of November 4, 2010. The Department requested, among other things, a completed Medical Examination Report (DHS-49). The Department denied the Claimant's applications for State Disability

Assistance (SDA) and Medical Assistance (MA) benefits when it had not received the Medical Examination Report (DHS-49) as of November 18, 2010.

The Claimant argued that he requested an extension to the due date of the Medical Determination Verification Checklist on November 3, 2010. The Claimant was unable to offer any evidence of this extension request.

The Department's representative testified that the Department had no record of the Claimant requesting an extension to the due date. The Department offered copies of other verification documents submitted by the Claimant. The only document requested by the Department that was not returned before the due date was the Medical Examination Report (DHS-49).

Based on the evidence and testimony available during the hearing, this Administrative Law Judge finds that the Claimant did not make a reasonable effort to submit information necessary to determine his eligibility to receive benefits. This Administrative Law Judge also finds that the Claimant has not established that he requested an extension to the due date to return verification documentation.

The Department has established that it properly denied the Claimant's State Disability Assistance (SDA) and Medical Assistance (MA) applications for failure to provide information necessary to determine eligibility to receive 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) and Medical Assistance (MA) eligibility.

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

/s/ \_\_\_\_\_  
Kevin Scully  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: March 14, 2011

Date Mailed: March 15, 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 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.

KS/tg

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