

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

IN THE MATTER OF:



Reg. No: 201249115
Issue No: 2006, 4003
Case No: [REDACTED]
Hearing Date: June 13, 2012
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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, an in-person hearing was held on Wednesday, June 13, 2012. Claimant appeared and provided testimony on her behalf.

ISSUE

Was good cause for untimely verification established?

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's MA-P/SDA application on February 9, 2012 was denied on April 9, 2012 per BEM 110/115, with a hearing request on April 20, 2012.
2. On February 14, 2012, the Department of Human Services (DHS) requested the Claimant to provide medical verification by February 24, 2012. The medical verification was not submitted by the due date.

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

Facts above are undisputed.

Good Cause – A circumstance which is considered a valid reason for not complying with a requirement. BRG, Glossary, Page 15.

If the individual indicates the existence of a disability that impairs their ability to gather verification and information necessary to establish eligibility for benefits, offer to assist the individual in gathering of such information. BAM 130, Page 1.

The Client must obtain required verification, but you must assist if they need and **request help**. BAM 130, Page 7.

Claimant testified that medical sources did not provide her with medical reports; that before the verification due-date she attempted to reach her case worker 5 times by leaving phone voice messages for help; and that she would rely on the case worker to identify the dates.

The case work testified that she received no voice messages before the verification due-date; that she is put on notice of any voice messages by a blinking red-light on her phone; that she responds daily to her voice messages; and that the only voice message received from the Claimant was after the verification time-limit resulted in negative case action notice.

The medical evidence of record does not establish that it was beyond the Claimant's control to have timely complied with the timely verification requirements. Therefore, good cause has not been established.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that good cause was not established for untimely medical verification.

Accordingly, MA-P/SDA denial is **UPHELD**.

/s/

William A. Sundquist
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: June 14, 2012

Date Mailed: June 14, 2012

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.

WAS/tb

cc:

