

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-22072  
Issue No.: 4003  
Case No.: [REDACTED]  
Hearing Date: May 9, 2013  
County: Wayne (82-19)

**ADMINISTRATIVE LAW JUDGE:** Zainab Baydoun

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on May 9, 2013, from Detroit, Michigan. Claimant appeared and testified. Participants on behalf of the Department of Human Services (Department) included [REDACTED]

**ISSUE**

Did the Department properly  deny Claimant's application  close Claimant's case for:

- |                                                             |                                                                        |
|-------------------------------------------------------------|------------------------------------------------------------------------|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)?               |
| <input type="checkbox"/> Food Assistance Program (FAP)?     | <input checked="" type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Medical Assistance (MA)?           | <input type="checkbox"/> Child Development and Care (CDC)?             |

**FINDINGS OF FACT**

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

1. Claimant  applied for benefits  received benefits for:

- |                                                             |                                                                        |
|-------------------------------------------------------------|------------------------------------------------------------------------|
| <input type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP).               |
| <input type="checkbox"/> Food Assistance Program (FAP).     | <input checked="" type="checkbox"/> State Disability Assistance (SDA). |
| <input type="checkbox"/> Medical Assistance (MA).           | <input type="checkbox"/> Child Development and Care (CDC).             |

2. On August 16, 2012, the Department  
 denied Claimant's application     closed Claimant's case  
due to Claimant's failure to return documentation for the Department to complete a  
disability determination.
3. On September 17, 2012, the Department sent  
 Claimant     Claimant's Authorized Representative (AR)  
notice of the     denial.     closure.
4. On September 26, 2012, Claimant filed a hearing request, protesting the  
 denial of the application.     closure of the case.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The State Disability Assistance (SDA) 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 Mich Admin Code, Rule 400.3151 through Rule 400.3180.

Additionally, verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (May 2012), p. 1. To request verification of information, the Department sends a Verification Checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, pp. 2-3. Clients are given 10 calendar days (unless otherwise specified by policy) to provide the verifications requested by the Department. Verifications are considered to be timely if received by the date they are due. BAM 130, p. 5. The Department sends a negative action notice when the client indicates a 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 130, p. 5.

In this case, Claimant submitted an application for SDA benefits on July 24, 2012. Exhibit 1. On August 3, 2012, the Department sent Claimant a VCL requesting verification of her medical records and forms relating to her alleged disability. Exhibit 5. Claimant was required to respond to the VCL by August 13, 2012, and provide the Department with the disability verifications requested in order for the Department to properly process her application and make a disability determination. Exhibit 5. The Department testified that because Claimant did not provide the Department with the requested disability verifications by August 13, 2012, Claimant's application for SDA was denied. On September 17, 2012, the Department sent Claimant a Notice of Case Action informing her of the denial based on a failure to return the documentation necessary to allow the Department to make a disability determination. (Exhibit 4).

At the hearing, Claimant testified that although she applied for SDA on July 24, 2012, she was informed by her case worker at the time that she should disregard that application and submit a new application. Claimant stated that she submitted another application for Medical Assistance, State Emergency Relief, and SDA on August 3, 2012, with the assistance of her former Department case worker and contends that this hearing is regarding her August 3, 2012, SDA application.

The Department conducted a search in Bridges in an attempt to locate the August 3, 2012, SDA application that Claimant stated she submitted. The Department was unable to locate in Bridges any SDA applications for Claimant that were registered and processed at any time in August 2012, and Claimant did not provide any evidence other than her testimony that a second SDA application was submitted to the Department in August 2012. In addition, the Department testified that the VCL dated August 3, 2012, and the Notice of Case Action dated September 17, 2012, were sent to Claimant in connection with the July 24, 2012, SDA application.

Claimant testified that she never received the VCL dated August 3, 2012, which is why she did not respond. The VCL was sent to Claimant's confirmed address and Claimant did not indicate that she had trouble receiving other notices or communications from the Department. Therefore, Claimant failed to rebut the presumption that she received the VCL. See *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270, 275-278 (1976). Thus, the Department acted in accordance with Department policy when it denied Claimant's July 24, 2012, SDA application for her failure to provide the requested verifications by the due date.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

properly denied Claimant's application     improperly denied Claimant's application  
 properly closed Claimant's case             improperly closed Claimant's case

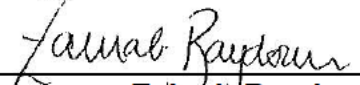
for:     AMP    FIP    FAP    MA    SDA    CDC.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

did act properly.         did not act properly.

Accordingly, the Department's  AMP  FIP  FAP  MA  SDA  CDC decision is  AFFIRMED  REVERSED for the reasons stated on the record.

  
\_\_\_\_\_  
**Zainab Baydoun**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: May 28, 2013

Date Mailed: May 29, 2013

**NOTICE:** Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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.

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,
  - typographical errors, mathematical error, or other obvious errors in the hearing decision that affect the substantial rights of the claimant:
  - 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  
Reconsideration/Rehearing Request  
P. O. Box 30639  
Lansing, Michigan 48909-07322

ZB/pf

cc:

