

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-24358
Issue No.: 4003
Case No.: [REDACTED]
Hearing Date: May 16, 2013
County: Wayne (82-49)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 16, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED]

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's application for State Disability Assistance (SDA) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

1. On November 20, 2012, Claimant applied for SDA benefits.
2. Claimant was required to submit the requested verification by December 10, 2012. Exhibit 1.
3. Claimant completed the requested verification incorrectly. See Exhibit 2.
4. On January 4, 2013, the Department sent Claimant a Notice of Case Action notifying Claimant that her SDA application was denied because she failed to comply with the verification requirements. Exhibit 1.

5. On January 15, 2013, Claimant filed a hearing request, protesting the denial of her SDA application. Exhibit 1.

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1997 AACS R 400.3101-3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1997 AACS R 400.3001-3015

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 1998-2000 AACS R 400.3151-400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and 1997 AACS R 400.5001-5015.

Clients must cooperate with the local Department office in obtaining verification for determining initial and ongoing eligibility. BAM 105 (November 2012), p. 5. For SDA cases, allow the client 10 calendar days (or other time limit specified in policy) to provide the verification the Department requests. BAM 130 (May 2012), p. 5. Also for SDA cases, if the client indicates refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it, then policy directs that a negative action be issued. BAM 130, p. 5.

Additionally, for SDA cases, if the client has no current medical sources, the Department schedules a general medical examination for the Claimant and authorizes such payment (93A). BAM 815 (June 2012), p. 4. If needed, the Department authorizes payment for transportation to the examination. BAM 815, p. 4.

In the present case, Claimant applied for SDA benefits on November 20, 2012. Then, on November 30, 2012, the Department sent Claimant a Medical Determination Verification Checklist (VCL) requesting from Claimant several medical documents which included a DHS-0049 Medical Examination Report to be completed by Claimant's physician. Exhibit 1. These documents were due by December 10, 2012. Exhibit 1. On December 7, 2012, the Department received the DHS-0049 Medical Examination Report and several other completed medical forms from Claimant. See Exhibit 2. However, the Department discovered that Claimant, rather than her physician, completed the Medical Examination Report. See Exhibit 2. Thus, on January 4, 2013, the Department sent Claimant a Notice of Case Action notifying Claimant that her SDA application was denied because she failed to comply with the verification requirements. Exhibit 1.

At the hearing, Claimant testified that she did receive the VCL request. Moreover, Claimant agreed that she completed the Medical Examination Report because she did not have a physician at the time she completed the form. However, Claimant testified at the time of hearing that she has a physician.

Based on the foregoing information and evidence, the Department did not act in accordance with Department policy when it denied her SDA application. The Department received a majority of the VCL documents; however, the Department did not receive a completed Medical Examination Report by a physician. Claimant testified that she did not have a physician at the time of the VCL request. The Department should have scheduled a general medical examination for Claimant to have the Medical Examination Report completed by a physician. BAM 815, p. 2. Thus, the Department did not act in accordance with Department policy when it denied her SDA application.

DECISION AND ORDER

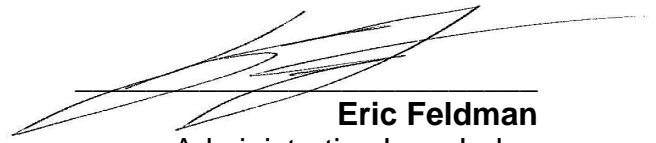
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department improperly denied Claimant's SDA application.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reregister the November 20, 2012, SDA application;

2. Initiate processing and schedule a general medical examination for Claimant and authorize such payment (93A) if the Claimant has no current medical source; or, if Claimant has a current medical source, the Department shall re-send a DHS-0049 Medical Examination Report to Claimant to be completed by her physician;
3. Issue supplements to Claimant for any SDA benefits she was eligible to receive but did not from November 1, 2012, ongoing; and
4. Notify Claimant of its decision in writing in accordance with Department policy.



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 30, 2013

Date Mailed: June 3, 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

2013-24358/EJF

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

EJF/pf

cc:

