

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201328670
Issue No.: 2006, 4003
Case No.: [REDACTED]
Hearing Date: June 5, 2013
County: Oakland DHS (04)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 June 5, 2013 from Detroit, Michigan. Participants included the above-named claimant. [REDACTED], Claimant's mother, testified and appeared as Claimant's authorized hearing representative (AHR). Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly denied Claimant's application for State Disability Assistance (SDA) and Medical Assistance (MA) due to Claimant's failure to timely return documents supporting a basis for disability.

FINDINGS OF FACT

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

1. On 12/17/12, Claimant applied for SDA and MA benefits.
2. Claimant sought SDA and MA benefits based on a claimed disability.
3. On 12/27/12, DHS mailed Claimant a Verification Checklist (VCL) requesting medical records of Claimant's alleged disability.
4. The VCL due date was 1/7/13.
5. Claimant failed to return any proof of disability to DHS by 1/7/13.

6. On 1/10/13, DHS mailed a Notice of Case Action to inform Claimant of a denial of SDA and MA benefits based on a failure to verify to return documents supporting a claim of disability.
7. On 2/1/13, Claimant requested a hearing to dispute the denial.

CONCLUSIONS OF LAW

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). DHS 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) 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. DHS administers the SDA program pursuant to MCL 400.10, et seq., and MAC R 400.3151-400.3180. DHS policies for SDA are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

For SDA benefits, DHS is to verify the disability or the need for a caretaker at application, redetermination, when required by the DE, or as needed when the client's circumstances change. BEM 261 (1/2012), p. 5. For MA benefits, the client is responsible for providing evidence needed to prove disability or blindness. BEM 260 (7/2012), p. 4.

For all programs, DHS is to use the DHS-3503, Verification Checklist to request verification. BAM 130 (5/2012), pp. 2-3. DHS must give clients at least ten days to submit verifications. *Id.*, p. 3 DHS must tell the client what verification is required, how to obtain it, and the due date. *Id.*, p. 2.

For MA benefits, DHS is to send a negative action notice when the client indicates refusal to provide a verification or the time period given has elapsed. *Id.*, p. 6. For SDA benefits, DHS is to send a negative action notice when 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.

It was not disputed that a VCL (Exhibits 1-2) was mailed to Claimant on 12/27/12. It was not disputed that the VCL noted that Claimant was to return proof of disability to DHS by a due date of 1/7/13. DHS alleged that Claimant failed to return proof of disability.

Claimant's AHR contended that she had an interview with a DHS worker on 1/4/13 when she handed the documents to the worker. Claimant's AHR was adamant about knowing the date and name of the worker. The testifying DHS responded that the person that allegedly accepted Claimant's disability documents hadn't worked for DHS


in several years; thus, Claimant's AHR's testimony was highly questionable. During the hearing, the testifying DHS specialist presented Claimant's AHR with a staff listing, updated on 12/2012, for the DHS office. The DHS specialist testified that the DHS staff-person cited by Claimant was not on the staff listing. Claimant's AHR was given an opportunity to examine the staff listing, but declined.

After several minutes spent during the hearing determining whether the person named by the AHR worked at DHS, the AHR stated, for the first time, that she also mailed the documents to DHS. Considering that the AHR did not bother to mention this information earlier, it was not deemed to be very persuasive.

Based on the presented evidence, it is found that Claimant failed to timely return evidence of disability. Accordingly, the MA and SDA application denial was proper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's application dated 12/17/12 requesting SDA and MA benefits. The actions taken by DHS are AFFIRMED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 6/25/2013

Date Mailed: 6/25/2013

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

CG/hw

cc:

