

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

IN THE MATTER OF:



Reg. No.: 201336362
Issue No.: 2006, 4003
Case No.: [REDACTED]
Hearing Date: June 20, 2013
County: Wayne DHS (43)

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 20, 2013, from Detroit, Michigan. Participants included the above-named claimant. [REDACTED] testified on behalf of Claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED] Specialist.

ISSUE

The issue is whether DHS properly denied Claimant's Medical Assistance (MA) and State Disability Assistance (SDA) due to a failure by Claimant to timely submit medical documentation.

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 12/13/12, Claimant applied for MA and SDA benefits.
2. Claimant's only basis for MA or SDA benefits was as a disabled individual.
3. On 12/13/12, DHS mailed Claimant a Medical Determination Verification Checklist (DHS-3503-MRT) requesting various medical documents.
4. Claimant failed to return any of the requested medical documents.

5. On 12/28/12, DHS denied Claimant's MA and SDA application due to Claimant's failure to timely return documentation of disability.

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).

The present case concerns a dispute of an SDA and MA benefit denial. DHS denied SDA benefits to Claimant due to failing to provide verification of a disability. Technically, the denial of MA benefits was for a failure by Claimant to qualify for any eligible categories (which Claimant did not dispute), after failing to provide verification of a disability.

For SDA and MA requests based on disability, DHS regulations outline a 26-step process to be followed. Step 6 of the process is for a Claimant (or representative) to complete a Medical- Social Questionnaire. BAM 815 (6/2012), p. 3. Step 13 of the process requires DHS to complete a DHS-3503-MRT (Medical Determination Verification Checklist) indicating the type of verification requested. BAM 815 does specify that the outcome of a failure to return requested forms by the due date is a denial of the application, but that outcome is listed on the DHS-3503-MRT.

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, if the client cannot provide the verification despite a reasonable effort, DHS is to extend the time limit up to three times. *Id.*, p. 2. 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.

Id., p. 5.

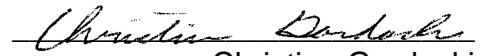
It was not disputed that DHS mailed Claimant a DHS-3503-MRT on 12/13/12. It was not disputed that DHS gave Claimant a due date to return proof of disability by 12/26/12. Claimant testified that he returned the forms to DHS on either 12/27/12 or 12/28/12. DHS responded that the forms were never received.

Claimant testified that it could be verified that he returned medical forms to DHS because he signed the drop-box log. During the hearing, the testifying specialist testified: that she checked the drop-box logs for 12/27/12 and 12/28/12, that a DHS manager rechecked the logs for 12/27/12 and 12/28/12 and that Claimant's name did not appear on the logs. Ideally, Claimant could have also checked the logs, but as it happened, Claimant and the testifying specialist appeared for the hearing from separate locations; nevertheless, the specialist's testimony was credible.

Based on the presented evidence, it is found that Claimant failed to timely return proof of disability to DHS. Accordingly, the denials of MA and SDA benefits were 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 12/13/12 requesting MA and SDA benefits. The actions taken by DHS are AFFIRMED.


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

Date Signed: 7/5/2013

Date Mailed: 7/5/2013

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:

