

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

IN THE MATTER OF:

██████████
██████████
████████████████████

Reg. No.: 2013 38058
Issue No.: 4003
Case No.: ██████████
Hearing Date: July 10, 2013
County: Wayne (35)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 July 10, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. ██████████ also appeared as a witness for the Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ FIS.

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's application close Claimant's case reduce Claimant's benefits for:

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

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. Claimant applied for was receiving: FIP FAP MA SDA CDC.
2. Claimant was required to submit requested verification by February 25, 2013.

3. The Claimant received the verification checklist 2 or 3 weeks after the mailing date and called his caseworker to advise about the late receipt of the checklist.
4. The Claimant and his witness, his father whom the Claimant lives with, have had problems with the mail delivery at their home.
5. On March 13, 2013, the Department
 - denied Claimant's application.
 - closed Claimant's case.
 - reduced Claimant's benefits.
6. On March 13, 2013, the Department sent notice of the
 - denial of Claimant's application.
 - closure of Claimant's case.
 - reduction of Claimant's benefits.
7. On March 22, 2013, Claimant filed a hearing request, protesting the
 - denial of Claimant's application.
 - closure of Claimant's case.
 - reduction of Claimant's benefits.

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 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.

Additionally, at the hearing the Claimant credibly testified that he received the Verification Checklist in question but received it 2 or 3 weeks after it was mailed to him. He attempted to contact his caseworker and did not receive a return call and then filed the verification late. The Claimant further credibly testified that he has had difficulty receiving mail due to his mail carrier's failure to properly deliver the mail and delivering the mail late and to the wrong address. The Claimant's witness also corroborated the Claimant's testimony in that he manages the trailer park where he and the Claimant reside and cited numerous problems with mail delivery and has spoken to the post office. The Claimant's witness was his father and the Claimant resides with his father. Based upon the Claimant's testimony, it is determined that the Claimant received the verification requests late and thus could not have completed the request for information in a timely manner.

The proper mailing and addressing of a letter creates a presumption of receipt. That presumption may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976). In this case the Claimant's testimony regarding problems with his mail served to rebut the presumption of receipt in this case. Claimant's action and testimony with regard to the submission of information to the Department is not inconsistent with his testimony that he did not receive the verification checklist in a timely manner. BAM 130 provides with regard to verifications:

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. BAM 130 pp 5, (2012).

Under the circumstance of this case, it is determined that the Claimant did not indicate a refusal to provide the verification and the Claimant can be found to have made a reasonable effort to respond, as it is determined that he contacted the Department after the late receipt of the verification checklist and never received a response back, as well as filing the information late as requested..

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 improperly

- closed Claimant's case.
- denied Claimant's application.
- reduced Claimant's benefits.

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.

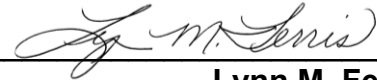
Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated on the record.

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

1. The Department shall initiate re registration of the Claimant's SDA application retroactive to the application date of August 3, 2012 and shall process the application for SDA to determine the Claimant's SDA eligibility. The Department

shall, if necessary, issue a new verification checklist to the Claimant if required to process the application.

2. The Department shall issue a supplement to the Claimant for SDA benefits, if any the Claimant was otherwise entitled to receive in accordance with Department policy.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 22, 2013

Date Mailed: July 22, 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

LMF/cl

cc:

