

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-56038
Issue No.: 2006; 4003; 5000
Case No.: [REDACTED]
Hearing Date: August 21, 2013
County: Wayne (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 August 21, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant, and Claimant's boyfriend and Authorized Hearing Representative (AHR), [REDACTED]. Participants on behalf of the Department of Human Services (Department or DHS) included [REDACTED] Medical Contact Worker.

ISSUES

Did the Department properly deny Claimant's Medical Assistance (MA) program application effective March 1, 2013, ongoing, due to her failure to comply with the verification requirements?

Did the Department properly deny Claimant's State Disability Assistance (SDA) program application effective April 16, 2013, ongoing, due to her failure to comply with the verification requirements?

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 February 26, 2013, Claimant applied for SDA and MA benefits. See Exhibit 1.
2. On March 11, 2013, the Department sent Claimant a Medical Determination Verification Checklist, which was due back by March 21, 2013. Exhibit 1.
3. On March 27, 2013, Claimant submitted some of the requested verification documents.

4. On June 18, 2013, the Department sent Claimant a Notice of Case Action notifying her that her SDA application was denied effective April 16, 2013, ongoing. Exhibit 1.
5. On June 18, 2013, the Notice of Case Action also notified Claimant that her MA benefits were approved for February 2013. Exhibit 1.
6. On June 18, 2013, the Notice of Case Action also notified Claimant that her MA application was denied effective March 1, 2013, ongoing. Exhibit 1.
7. On July 1, 2013, Claimant filed a hearing request, protesting her SDA, MA, and State Emergency Relief (SER) benefits. Exhibit 1.

CONCLUSIONS OF LAW

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

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 of Human Services (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 of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACRS, R 400.3151 through R 400.3180.

As a preliminary matter, during the hearing, Claimant testified that she is no longer protesting her SER hearing request. See Exhibit 1. Thus, Claimant's July 1, 2013 SER hearing request is hereby DISMISSED.

In this case, on February 26, 2013, Claimant applied for SDA and MA benefits. See Exhibit 1. On March 11, 2013, the Department sent Claimant a Medical Determination Verification Check list, which was due back by March 21, 2013. Exhibit 1. On March 27, 2013, Claimant submitted some of the requested verification documents. On June 18, 2013, the Department sent Claimant a Notice of Case Action notifying her that her SDA application was denied effective April 16, 2013, ongoing. Exhibit 1. On June 18, 2013, the Notice of Case Action also notified Claimant that her MA benefits were approved for February, 2013. Exhibit 1. On June 18, 2013, the Notice of Case Action also notified Claimant that her MA application was denied effective March 1, 2013, ongoing. Exhibit 1.

Clients must cooperate with the local office in the completion of necessary forms for determining initial and ongoing eligibility. BAM 105 (March 2013), p. 5.

For MA cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verification it requests. BAM 130 (May 2012), p. 5. If the client cannot provide the verification despite a reasonable effort, the Department extends the time limit up to three times. BAM 130, p. 5. Verifications are considered to be timely if received by the date they are due. BAM 130, p. 5. Also for MA cases, if the client indicates refusal to provide a verification or the time period given has elapsed, then policy directs that a negative action be issued. BAM 130, p. 6. Only adequate notice is required for an application denial. BAM 130, p. 6. Timely notice is required to reduce or terminate benefits. BAM 130, p. 6.

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, 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.

At the hearing, on March 27, 2013, the Department testified that it received some of the requested medical verifications. However, the Department testified that it never received the Medical Examination Report or received any social security status as requested in the verification checklist. See Exhibit 1. Thus, the Department testified that it denied Claimant's SDA and MA application due to her failure to comply with the verification requirements.

Claimant testified that she did receive the Medical Determination Verification Checklist. Claimant also testified that she did provide the medical verifications on March 27, 2013. However, Claimant testified that she did not provide her physician with the Medical Examination Report nor provide proof to the Department of her status of her social security benefits and/or application.

It should be noted that Claimant discussed a change of address issue that occurred on June 17, 2013 because the Notice of Case Action was sent to Claimant's prior address. See Exhibit 1. Nevertheless, Claimant testified that she did receive the medical verification request as well as Claimant did file a hearing request timely. See Exhibit 1.

Based on the foregoing information and evidence, the Department properly denied Claimant's MA and SDA applications. The Department credibly testified that it did not receive all of the requested verifications from the Claimant. Claimant agreed that she did not provide the Medical Examination Report to her physician to be completed. Also, Claimant agreed that she did not notify the Department of her social security status. Both these requirements were listed for the Claimant to complete on the Medical Determination Verification Checklist dated March 11, 2013. See Exhibit 1. Claimant did not complete the necessary forms to determine her initial MA and SDA eligibility. BAM 105, p. 5.

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 (i) properly

denied Claimant's MA application effective March 1, 2013, ongoing, and (ii) properly denied Claimant's SDA application effective April 16, 2013, ongoing.

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

Based on the above discussion, it is ALSO ORDERED that Claimant's July 1, 2013 SER hearing request is DISMISSED.



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

Date Signed: August 27, 2013

Date Mailed: August 27, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

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The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

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

EJF/las

cc:

