

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No: 201328824  
Issue No: 4003  
Case No: [REDACTED]  
Hearing Date:  
August 14, 2013  
Macomb County DHS

**ADMINISTRATIVE LAW JUDGE:** Suzanne D. Sonneborn

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received by the Department of Human Services (department) on January 28, 2013. After due notice, a telephone hearing was held on August 14, 2013. Claimant appeared and provided testimony. Claimant's daughter, [REDACTED] also appeared on Claimant's behalf. The department was represented by [REDACTED], a JET case worker with the department's Macomb County office.

**ISSUE**

Whether the department properly denied Claimant's application for State Disability Assistance (SDA) benefits due to a failure to verify necessary information?

**FINDINGS OF FACT**

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

1. In December 2012, Claimant applied for SDA benefits.
2. On December 28, 2012, the department mailed Claimant a Verification Checklist (DHS-3503), requesting that Claimant provide the department with additional information regarding her disability. This information was due to the department by January 7, 2013. (Department Exhibit 1)
3. Claimant failed to submit the required verifications by the January 7, 2013 deadline and failed to timely request an extension of the deadline.
4. On or about January 8, 2013, the department mailed Claimant a Notice of Case Action (DHS 1605), informing Claimant that her application for SDA

benefits had been denied because she failed to verify or allow the department to verify necessary information.

5. On January 24, 2013, Claimant submitted a hearing request protesting the department's denial of her application for SDA benefits. (Request for Hearing)

### **CONCLUSIONS OF LAW**

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. Department of Human Services Bridges Administrative Manual (BAM) 600 (2011), p. 1. The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in sections 400.901 to 400.951 of the Michigan Administrative Code (Mich Admin Code). An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. Mich Admin Code R 400.903(1).

The State Disability Assistance (SDA) program was established by 2004 PA 344 and is a financial assistance program for individuals who are not eligible for the Family Independence Program (FIP) and are either disabled or the caretaker of a disabled person. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180.

Department policy indicates that clients must cooperate with the local office in determining initial and ongoing eligibility with all programs. BAM 105. This includes completion of the necessary forms. Clients who are able to but refuse to provide necessary information or take a required action are subject to penalties. BAM 105. Clients must take actions within their ability to obtain verifications. BAM 130; BEM 702. Likewise, DHS local office staff must assist clients who ask for help in completing forms. BAM 130; BEM 702; BAM 105.

Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. BAM 130. The department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested verification. BAM 130. If the client is unable to provide the verification despite a reasonable effort, the department must extend the time limit at least once. BAM 130. For MA, if the client cannot provide the verification despite a reasonable effort, the time limit is extended up to three times. BAM 130. Should the client indicate a refusal to provide a verification or, conversely, if the time period given has elapsed and the client has not made a reasonable effort to provide it, the department may send the client a negative action notice. BAM 130. (Emphasis added).

Department policy further provides that a client is responsible for reporting any change in circumstances that may affect eligibility or benefit level, including a change in household membership, within ten days of the change. BAM 105, p 7.

In the instant case, Claimant is disputing the department's denial of her application for SDA benefits for failure to timely provide the requested verifications.

At the August 14, 2013 hearing, the department's representative, Tanesha Taul, testified that the department required verification of Claimant's disability through her submittal of medical documentation and Claimant failed to submit any such documentation by the January 7, 2013 deadline. Indeed, Claimant acknowledged having received the Verification Checklist requesting verification of her disability and Claimant does not remember if she provided any information to the department by the deadline.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record and finds that, based on the competent, material, and substantial evidence presented during the August 14, 2013 hearing, because Claimant did not contact the department prior to the January 7, 2013 verification deadline and request an extension of that deadline or otherwise indicate that she was having difficulty and required assistance in obtaining the required verifications, the department acted in accordance with policy in denying Claimant's application for SDA benefits for failure to timely return the required verifications.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department acted in accordance with policy in denying Claimant's application for SDA benefits for failure to timely return the required verifications. Accordingly, the department's action in this regard is **UPHELD**.

**IT IS SO ORDERED.**

/s/

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Suzanne D. Sonneborn  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: August 16, 2013

Date Mailed: August 16, 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.

The Claimant may appeal this 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 errors, or other obvious errors in the hearing decision that effect the substantial rights of 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 System  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, MI 48909-07322

201328824/SDS

SDS/hj

cc:

