

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201331985
Issue No: 2006, 4003
Case No: [REDACTED]
Hearing Date: August 22, 2013
Allegan 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 February 22, 2013. After due notice, a telephone hearing was held on August 22, 2013. Claimant appeared and provided testimony. [REDACTED], a coordinator with Allegan County Community Mental Health, appeared on Claimant's behalf. The department was represented by [REDACTED] an eligibility specialist with the department's Allegan County office

ISSUE

Whether the department properly denied Claimant's application for Medical Assistance (MA) and State Disability Assistance (SDA) 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. On September 25, 2012, Claimant applied for MA and SDA benefits.
2. On September 25, 2012, the department provided Claimant with a Medical Determination Verification Checklist (DHS-3503-MRT), requesting completion of the following enclosed forms: Medical Examination Report (DHS-0049); Medical Social Questionnaire (DHS-0049-F); Authorization to Release Protected Health Information (DHS-1555 or DHS-1555-E); Activities of Daily Living (DHS-0049-G) and Reimbursement Authorization (DHS-3975). The information was due to the department by October 5, 2012. (Department Exhibits 3, 5)
3. On September 27, 2012, Claimant provided the department with the completed Medical Examination Report (DHS-0049), however it was not signed by an MD or DO. (Department Exhibit 8, pp. 24-25)

4. On December 10, 2012, the department mailed Claimant a Quick Notice (DHS-100), advising Claimant that the state's Medical Review Team had deferred their decision regarding Claimant's disability request. The department further requested that Claimant complete and return the highlighted areas of the Medical Social Questionnaire (DHS-0049-F) and that Claimant have the completed Medical Examination Report (DHS-0049) signed by an MD or DO. This information was due to the department by December 21, 2012. (Department Exhibit 6)
5. Claimant did not return the required medical verifications by the December 21, 2012 deadline.
6. On January 16, 2013, the department mailed Claimant a Notice of Case Action (DHS 1605), informing Claimant that his application for MA and SDA benefits was denied because he failed to return documentation to allow the department to complete a disability determination. (Department Exhibit 2)
7. On January 24, 2013, Claimant provided the department with the completed Medical Examination Report (DHS-0049) signed by an MD or DO. (Department Exhibit 7)
8. On February 21, 2013, Claimant submitted a hearing request protesting the Department's denial of his application for MA benefits. (Request for a 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 Medical Assistance (MA) program was established by 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 (DHS or department) 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 Program Reference Manual (PRM).

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).

In the instant case, Claimant is disputing the department's denial of his application for SDA and MA benefits for failure to timely provide the required completed medical forms.

At the August 22, 2013 hearing, the department's representative, Brenda Shirley, testified that the department denied Claimant's application for SDA and MA benefits on January 16, 2013 because the department still had not received Claimant's completed medical forms, which were due on December 21, 2012. Ms. Shirley further testified that the department mailed the December 10, 2012 Quick Note to Claimant advising him of his required completion of the relevant medical forms by the December 21, 2012 deadline and the department did not receive this mail returned undeliverable.

Also at the hearing, Claimant testified that he did not recall receiving the Quick Note but that he had trouble recalling what documentation and paperwork he received in the mail due to his diagnoses of attention deficit disorder and Asperger's condition. However, the department has no record that Claimant had previously appointed an authorized representative or guardian to assist him with his medical paperwork or that Claimant had made the department aware of his need for any assistance in completing and timely submitting the required documentation to the department.

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 22, 2013 hearing, because Claimant did not contact the department prior to the December 21, 2012 verification deadline and request an extension of that deadline or otherwise indicate that he was having difficulty and required assistance in obtaining the required medical verifications, the department acted in accordance with policy in denying Claimant's September 25, 2012 application for SDA and MA 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 September 25, 2012 application for SDA and MA benefits for failure to timely return the required verifications. Accordingly, the department's action in this regard is **UPHELD**.

It is **SO ORDERED**.

/s/

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

Date Signed: August 22, 2013

Date Mailed: August 23, 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

SDS/hj

cc:

