

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

IN THE MATTER OF:



Reg. No.: 2013-18480
Issue No.: 4003
Case No.: [REDACTED]
Hearing Date: June 26, 2013
County: Wayne (82-19)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 26, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly deny Claimant's September 19, 2012, State Disability Assistance (SDA) application?

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 September 19, 2012, Claimant applied for SDA.
2. On September 19, 2012, the Department sent Claimant a Medical Review Team Verification Checklist (VCL), requesting that she or her doctor complete and return identified medical documentation by September 29, 2012.
3. On October 29, 2012, Claimant returned the Medical Examination Report (DHS-49) completed by her doctor.
4. On November 19, 2012, the Department sent Claimant a Notice of Case Action denying her SDA application because she had failed to submit the requested medical documents.

5. On November 30, 2012, Claimant filed a request for hearing disputing the Department's actions concerning her SDA application.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Forms and Publications Manual (RFF), and Department of Human Services 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 of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3151 through R 400.3180.

Claimant filed an SDA application on September 19, 2012. In this case, Claimant was seeking to establish SDA eligibility through a disability. See BEM 261 (January 2012), pp. 1-2. To establish a disability, the client must obtain medical evidence of the disability to submit to the Department. BEM 261, p. 3. The Department must send the medical evidence, the DHS-49A, DHS-49B, DHS-49BU, DHS-49F and the optional DHS-49G to its medical contact person who forwards the completed medical packets to the Medical Review Team (MRT) which determines whether the client is disabled. BAM 815 (June 2012), p. 5. The Medical Social Eligibility Certification (DHS-49A) is used to document MRT's disability decision and is not completed by the client. RFF 49A (October 2010), p. 3. The Department specialist completes the Social Summary (DHS-49B) or Social Summary Update (DHS-49BU), as applicable. BAM 815, p. 3. Thus, at a minimum, the client must submit medical evidence and the completed Medical Social Questionnaire (DHS-49F) to the Department.

On November 19, 2019, the Department sent Claimant a Notice of Case Action denying her SDA application because she had failed to verify requested information. At the hearing, the Department explained that the denial was due to Claimant's failure to complete and return all the medical documents it requested

In this case, the Department worker testified that, on September 19, 2012, when she interviewed Claimant, she printed the Social Summary Update (DHS-49BU) and Activities of Daily Living (DHS-49G), completed those documents with Claimant, and kept them to forward them to the MRT with the medical documents received from Claimant. That same day, the Department printed from its central print in Lansing and sent to Claimant the following medical documents: Medical Determination Verification Checklist (VCL), Medical Examination Report (DHS-49), Psychiatric/Psychological Examination Report (DHS-49D), Medical Social Questionnaire (DHS-49F), Authorization to Release Protected Health Information (DHS-1555), Reimbursement Authorization (DHS-3975), Activities of Daily Living (DHS-G-SP), and Health Information

Release for Empl Svcs (DHS-1555E). On October 29, 2013, the Department received the Medical Examination Report (DHS-49) completed by Claimant's doctor and a Request for Medical Authorization to Disclose Information to the Social Security Administration. Claimant was unable to establish that she submitted any other documents to the Department. Because the evidence showed that the Department had the completed Social Summary Update (DHS-49BU), the optional Activities of Daily Living (DHS-49G) and the medical evidence (the Medical Examination Report - DHS-49), the only document that was required from Claimant to be submitted to MRT that was not received by the Department was the Medical Social Questionnaire (DHS-49F).

The client is responsible for completing the Medical Social Questionnaire DHS-49F, with assistance from the Department if the client is unable to do so. BAM 815, p. 3. The medical packet is incomplete without the DHS-49F. RFF 49F, p. 4. There was no evidence presented that Claimant requested assistance from the Department in completing this document. Although Claimant testified that many of the documents she received were in Spanish and she completed and submitted to the Department all those that were not in Spanish, the Department established that there was only one document that was in Spanish and was erroneously sent to Claimant and that the English copy of this document, the DHS-49G Activity of Daily Living, was completed by Claimant at her interview and was not one of the documents that would have resulted in denial of Claimant's application.

Based on the above evidence establishing that Claimant did not submit a DHS-49F prior to the November 19, 2012, Notice of Case Action denying her application, the Department acted in accordance with Department policy when it denied Claimant's SDA application. Claimant is advised that she can reapply for benefits and request assistance from the Department in completing her documentation if necessary.

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 acted in accordance with Department policy when it denied Claimant's SDA application.

Accordingly, the Department's decision is AFFIRMED.



Alice C. Elkin

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

Date Signed: July 2, 2013

Date Mailed: July 3, 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

ACE/pf

cc:

