

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No: 201338016
Issue No: 4003
Case No: ██████████
Hearing Date: August 28, 2013
Mason 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 March 8, 2013. After due notice, a telephone hearing was held on August 28, 2013. Claimant appeared and provided testimony. Claimant's mother, ██████████, also appeared on Claimant's behalf, as did Claimant's friend, ██████████. The department was represented by Pamela Wells, an assistance payments supervisor, and Alison Hanson, a case worker, both with the department's Mason County office.

ISSUE

Whether the department properly closed Claimant's 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. Claimant was a recipient of SDA benefits at all times relevant to this hearing pursuant to an Individualized Plan with Michigan Rehabilitation Services.
2. Pursuant to the department's annual redetermination of Claimant's SDA eligibility, the department mailed Claimant a Verification Checklist (DHS-3503) on February 8, 2013, requesting that Claimant provide the department with verification of her other in-state benefits by providing proof of one of the following: statement or award letter from SSA; statement or letter from other state; DHS-4698 Verification of MRS Status.

This information was due to the department by February 19, 2013. (Department Exhibit 1)

3. Claimant failed to submit the required verifications by the February 19, 2013 deadline and failed to timely request an extension of the deadline.
4. On February 28, 2013, the department mailed Claimant a Notice of Case Action (DHS 1605), informing Claimant that, effective April 1, 2013, her SDA benefits would be closed because she failed verify or allow the department to verify necessary information. (Department Exhibit 2)
5. On March 8, 2013, Claimant submitted a hearing request protesting the department's closure of her SDA benefits case. (Department Exhibit 3)

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 closure of her SDA benefits case for failure to timely provide the requested verifications.

At the August 28, 2013 hearing, the department's representative, Pamela Wells, testified that when the department conducts its annual review of a client's eligibility for SDA benefits, this review includes obtaining the client's current status with Michigan Rehabilitation Services (MRS). Ms. Wells further testified that, in her experience, the department has never had difficulty obtaining such information from MRS but that it is ultimately the client's responsibility to obtain the information from MRS and submit it to the department in a timely fashion. Department representative Alison Hanson further testified that, while Claimant came into the office during the last week of February 2013 and reported that she was on her way to MRS to obtain the required verification. Ms. Hanson advised Claimant that she had until February 28, 2013 to do so. Ms. Hanson further testified that, after the department closed Claimant's SDA benefits, Claimant submitted a document from MRS on March 1, 2013 which was Claimant's January 7, 2012 Individualized Plan from MRS and not the updated plan for 2013.

Claimant testified that Ms. Hanson had in fact instructed her that she had until March 1, 2013 to submit the required verification from MRS. Claimant further testified that her MRS case worker (Tiffany Schaefer) advised her that the January 7, 2012 Individualized Plan would be sufficient for submittal for Claimant's 2013 redetermination review. Claimant did not produce a written statement from Ms. Schaefer indicating that she had advised Claimant in this manner, nor did Ms. Schaefer attend the hearing.

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 28, 2013 hearing, because it was ultimately Claimant's responsibility to submit her current updated MRS plan to the department by the verification deadline and Claimant did not contact the department prior to the February 28, 2013 verification deadline and inquire as to whether her 2012

MRS plan would suffice, the department acted in accordance with policy in closing Claimant's SDA benefits due to a failure to verify necessary information.

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 closing Claimant's SDA benefits due to a failure to verify necessary information. 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: 08/30/2013

Date Mailed: 08/30/2013

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.

201338016/SDS

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: [REDACTED]
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