

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-45121
Issue Nos.: 2006, 4003
Case No.: [REDACTED]
Hearing Date: July 24, 2013
County: Wayne (82-15)

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 July 24, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly close Claimant's Medical Assistance (MA) and State Disability Assistance (SDA) cases?

FINDINGS OF FACT

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

1. On March 26, 2013, Claimant applied for SDA.
2. Because Claimant was receiving MA based on a Medical Review Team (MRT) finding of disability, the Department approved Claimant's SDA application.
3. On March 27, 2013, the Department sent Claimant a medical packet for completion after it became aware that Claimant was due for an MRT review in October 2010 that never took place.
4. Claimant did not complete the medical packet by the April 8, 2013, due date.

5. On April 10, 2013, the Department sent Claimant a Notice of Case Action advising her that her SDA and MA cases would close effective May 1, 2013, because she had failed to verify requested information.
6. On May 9, 2013, Claimant filed a hearing request, protesting the closure of her SDA and MA cases.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM) and 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 (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 (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.

Additionally, the Department sent Claimant a Medical Determination Verification Checklist (VCL) on March 27, 2013, requesting that she complete requested documentation to establish her disability. The proofs were due on April 8, 2013. The Department also sent Claimant an appointment notice for April 8, 2013. Claimant did not attend the appointment or turn in the medical packet by April 8, 2013, and the Department closed her SDA and MA cases.

At the hearing, Claimant testified that she did not receive the VCL until April 17, 2013, because she was denied access to her mail until that time. She acknowledged, however, that the Department sent her the documents at the address on file at that time. Therefore, Claimant could not rely on her failure to receive her mail to explain her failure to timely respond to the VCL.

However, Claimant also credibly testified at the hearing that she called her worker on April 17, 2013, to advise her of her change of address and to ask if she could come in and turn in the completed paperwork in light of the fact that her cases were not due to close until April 30, 2013, but the worker advised her that it was too late because her case was already closed. Department policy provides that the Department may delete a negative action if the client provides the information to meet the requirement that caused the negative action prior to the negative action effective date. BAM 220 (November 2012), p. 10. By advising Claimant that it was too late to turn in the requested verifications, the Department did not clearly explain Claimant's responsibilities. See BAM 105 (March 2013), p. 9. Thus, under the facts in this case,

the Department did not act in accordance with Department policy when it closed Claimant's MA and SDA cases for failure to provide requested documentation.

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 did not act in accordance with Department policy when it closed Claimant's SDA and MA cases.

Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Claimant's SDA and MA cases effective May 1, 2013;
2. Begin reprocessing Claimant's MRT disability assessment in accordance with Department policy;
3. Issue supplements to Claimant for SDA benefits she is eligible to receive from May 1, 2013, ongoing;
4. Provide Claimant with MA coverage she is eligible to receive from May 1, 2013, ongoing; and
5. Notify Claimant in writing of its decision in accordance with Department policy.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 29, 2013

Date Mailed: July 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. (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:

2013-45121/ACE

- 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 affect 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:

