

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

IN THE MATTER OF:



Reg. No.: 201346465
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: July 9, 2013
County: Genesee 02

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 9, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Medical Assistance (MA) and State Disability Assistance (SDA) eligibility?

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 December 3, 2012, the Claimant was denied Medical Assistance (MA) and State Disability Assistance (SDA) benefits.
2. On March 26, 2013, the Department applied for State Disability Assistance (SDA) benefits.
3. The Claimant was sent a Medical Appointment Confirmation Notice (DHS-800) notifying her that she had been scheduled for an appointment on April 9, 2013.
4. The DHS-800 was sent to the Claimant's physical address listed on her application for assistance.

5. On April 10, 2013, the Department notified the Claimant that her application for State Disability Assistance (SDA) had been denied for failure to return documentation to complete a disability determination.
6. The Department received the Claimant's request for a hearing on May 2, 2013, protesting the denial of Medical Assistance (MA) and State Disability Assistance (SDA) benefits.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is 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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

A request for hearing must be in writing and signed by the claimant, petitioner, or authorized representative. Rule 400.904(1). Moreover, the Bridges Administrative Manual (BAM) 600 (month, year), p. 4, provides in relevant part as follows:

The client or authorized hearing representative has *90 calendar days from the date of the written notice of case action to request a hearing*. The request must be received anywhere in DHS within the 90 days. [Emphasis added.]

In this case, the Department sent the Claimant notice that her application for Medical Assistance (MA) and State Disability Assistance (SDA) had been denied on December 3, 2012. The Claimant's request for a hearing was received by the Department on May 2, 2013. Therefore, the Claimant's request for a hearing is not timely with respect to the December 3, 2012, Department action, and the Claimant's hearing request with respect to this denial of benefits is outside the jurisdiction of this Administrative Law Judge.

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. 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 policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (March 1, 2013), p 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Department of Human Services Bridges Assistance Manual (BAM) 130 (May 1, 2012), p 1. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by

policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

On March 26, 2013, the Department applied for State Disability Assistance (SDA) benefits. On March 26, 2013, the Department sent the Claimant a Medical Appointment Confirmation Notice (DHS-800) with an appointment date of April 9, 2013. This notice was sent to the Claimant's physical address. The Claimant did not attend this appointment and on April 10, 2013, the Department notified the Claimant that her application for State Disability Assistance (SDA) benefits had been denied for failure to return documentation to complete a disability determination.

The Claimant argued that she did not receive the DHS-800 form. The Claimant's March 26, 2013, application for assistance indicates a mailing address separate from her physical address.

The proper mailing and addressing of a letter creates a presumption of receipt. That presumption may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976). In this case, the Claimant presented sufficient evidence to rebut the presumption of receipt.

Based on the evidence and testimony available during the hearing, this Administrative Law Judge finds that the Claimant had good cause for her failure to attend the April 9, 2013, appointment, and the Department failed to establish that it properly denied State Disability Assistance (SDA) benefits on April 10, 2013.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Claimant's request for a hearing is **DISMISSED** with respect to the Department's December 3, 2012, Notice of Case Action.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department failed to establish that it properly denied the Claimant's application for State Disability Assistance (SDA) on April 10, 2013.

The Department's April 10, 2013, denial of State Disability Assistance (SDA) benefits is **REVERSED**.

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

1. Initiate a determination of the Claimant's eligibility for State Disability Assistance (SDA) as of March 26, 2013.
2. Send the Claimant another Medical Appointment Confirmation Notice (DHS-800) as necessary to determine her eligibility for State Disability Assistance (SDA) benefits.
3. Provide the Claimant with a Notice of Case Action (DHS-1605) describing the Department's revised eligibility determination.
4. Issue the Claimant any retroactive benefits she may be eligible to receive, if any.

/s/ _____
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 07/12/2013

Date Mailed: 07/12/2013

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.

201346465/KS

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

KS/sw

cc:

