

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

IN THE MATTER OF:



Reg. No: 201348888
Issue No: 2006, 4003
Case No: [REDACTED]
Hearing Date: July 11, 2013
Tuscola 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 authorized representative's request for a hearing received by the Department of Human Services (department) on May 22, 2013. After due notice, a telephone hearing was held on July 11, 2013. Claimant appeared and provided testimony. The department was represented by [REDACTED], an eligibility specialist with the department's Tuscola County branch office.

ISSUE

Whether the department properly closed Claimant's State Disability Assistance (SDA) benefits and Medical Assistance (MA) benefits for failure to return the required verifications?

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 and MA benefits at all times pertinent to this hearing.
2. On February 21, 2013, the department mailed Claimant a Medical Verification Checklist (DHS 3503), requesting verification of Claimant's disability by requesting that Claimant complete the enclosed Medical Examination Report (DHS-49), Medical-Social Questionnaire (DHS-49-F), and Activities of Daily Living (DHS-49-G). This information was due to the department by March 4, 2013. The Checklist also advised Claimant: "It is ultimately your responsibility to obtain medical records to support your claim you are still disabled to our Medical

Review Team. We can assist you if you need help obtaining them.”
(Department Exhibits 1, 2)

3. Claimant did not provide the department with all requested verifications by the March 4, 2013 deadline.
4. On May 15, 2013, the department mailed Claimant a Notice of Case Action (DHS 1605) advising Claimant that his SDA and MA benefits had been closed due to failure to provide the requested verification information. (Department Exhibits 3-6)
5. On May 22, 2013, Claimant submitted a hearing request protesting the department’s closure of his SDA and MA benefits cases. (Request for 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 administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the 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).

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 his SDA and MA benefits for failure to timely provide the requested verifications.

At the July 11, 2013 hearing, the department's representative, [REDACTED], testified that the department required new verifications of Claimant's disability for purposes of determining his continued eligibility for SDA and MA benefits because his case had not been reviewed since October 2011 and was overdue for such a redetermination review. [REDACTED] further testified that at no time prior to the March 4, 2013 deadline for Claimant's submittal of the required medical verifications did Claimant call her and request an extension of that deadline or otherwise indicate that he was having difficulty and required assistance in obtaining the required verifications.

Also at the hearing, Claimant testified that while he took the medical forms to his doctor's office for completion, Claimant acknowledged that he does not know whether his doctor completed the forms as required. Claimant further acknowledged that it was ultimately his responsibility to follow through with his doctor to ensure that the medical forms were timely submitted by his doctor to the department on his behalf.

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 July 11, 2013 hearing, because Claimant did not contact the department prior to the March 4, 2013 verification deadline and request an extension of that deadline or otherwise indicate that he was having difficulty and required assistance in obtaining the required verifications, the department acted in

accordance with policy in closing Claimant's SDA and MA benefits effective June 1, 2013 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 closing Claimant's SDA and MA benefits effective June 1, 2013 for failure to timely return the required verifications. Accordingly, the department's actions in this regard are **UPHELD**.

/s/_____

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

Date Signed: July 11, 2013

Date Mailed: July 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.

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 affect the substantial rights of Claimant;
 - The failure of the ALJ to address other relevant issues in the hearing decision.

201348888/SDS

A request for a rehearing or reconsideration 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/aca

cc:

