

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

IN THE MATTER OF:



Reg. No.: 2013-50448
Issue No.: 4003
Case No.: [REDACTED]
Hearing Date: August 5, 2013
County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 August 5, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included [REDACTED], Family Independence Manager.

ISSUE

Did the Department properly deny Claimant's State Disability Assistance (SDA) program application effective May 1, 2013, ongoing, due to his failure to comply with the verification requirements?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. In March 2013, Claimant applied for the Family Independence Program (FIP) benefits, however, the Department determined Claimant was ineligible for FIP benefits and processed his application for SDA benefits instead.
2. On April 16, 2013, the Department sent Claimant a Verification Checklist (VCL) requesting proof of disability, which was due back by April 26, 2013. Exhibit 1.
3. On April 29, 2013, Claimant's physician faxed the verification documents to the Department. See Exhibit A.

4. On May 15, 2013, the Department sent Claimant a Notice of Case Action notifying him that his SDA application was denied effective May 1, 2013, ongoing, due to his failure to comply with the verification requirements. Exhibit 1.
5. On May 28, 2013, Claimant filed a hearing request, protesting the Department's action. Exhibit 1.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the 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 2000 AACS, R 400.3151 through R 400.3180.

In March 2013, Claimant applied for the Family Independence Program (FIP) benefits, however, the Department determined Claimant was ineligible for FIP benefits and processed his application for SDA benefits instead. On April 16, 2013, the Department sent Claimant a VCL requesting proof of disability, which was due back by April 26, 2013. Exhibit 1. On April 29, 2013, Claimant's physician faxed the verification documents to the Department. See Exhibit A. On May 15, 2013, the Department sent Claimant a Notice of Case Action notifying him that his SDA application was denied effective May 1, 2013, ongoing, due to his failure to comply with the verification requirements. Exhibit 1.

Clients must cooperate with the local office in obtaining necessary forms for determining initial and ongoing eligibility. BAM 105 (March 2013), p. 5. For SDA cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verification it requests. BAM 130 (May 2012), p. 5. Also for SDA cases, if the client indicates refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it, then policy directs that a negative action be issued. BAM 130, p. 5.

At the hearing, the Department testified that it never received the requested verifications. Moreover, the Department testified that it could not remember if the Claimant contacted the Department regarding questions about the requested documents. Claimant testified, though, that the requested verifications were faxed to the Department on April 29, 2013. Moreover, Claimant testified that he contacted the Department on or around April 24, 2013 indicating that the documents would be faxed over. Claimant provided proof of the fax confirmation page and the actual documents that were faxed. See Exhibit A.

It should be noted that a review of the documents faxed by the physician are in relation to the FIP program. All of the documents are dated April 1, 2013, which is different from the April 16, 2013 VCL that the Department sent to Claimant. See Exhibits 1 and A.

Based on the foregoing information and evidence, the Department improperly denied Claimant's SDA application effective May 1, 2013, ongoing. The documents the physician faxed over satisfied the verification of disability request that the Department requested on April 16, 2013. Even though the documents are in relation to FIP benefits, the Medical Needs - PATH (DHS-54-E) document that was faxed over satisfied the disability proof. See Exhibit A. Moreover, Claimant made a reasonable effort to provide the verifications the Department requested and his SDA application should have not been denied. BAM 130, p. 5.

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 improperly denied Claimant's SDA application effective May 1, 2013, ongoing.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED **REVERSED** for the reasons stated above and on the record.

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

1. Initiate reregistration of Claimant's SDA application;
2. Begin reprocessing the application/recalculating the SDA budget for May 1, 2013, ongoing, in accordance with Department policy;
3. Begin issuing supplements to Claimant for any SDA benefits he was eligible to receive but did not from May 1, 2013, ongoing; and
4. Begin notifying Claimant of its SDA decision in writing in accordance with Department policy.

/s/ _____
Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 8/27/13

Date Mailed: 8/27/13

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 affect the substantial rights of the claimant,
 - 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

EJF/tb

cc:

