

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

IN THE MATTER OF:



Reg. No: 20139576
Issue No: 4003
Case No: [REDACTED]
Hearing Date: March 27, 2013
Berrien 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 October 31, 2012. After due notice, a telephone hearing was held on March 27, 2013. Claimant appeared and provided testimony. The department was represented by Rahela Vulicevic, a family independence manager, and [REDACTED] [REDACTED] a non-family independence specialist, both with the department's Berrien County branch office.

ISSUE

Whether the department properly denied Claimant's application for 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. On September 6, 2012, Claimant applied for SDA benefits.
2. On September 25, 2012, the department mailed Claimant a Verification Checklist (DHS 3503), requesting verification of her savings and checking accounts. This information was due to the department by October 2, 2012. (Department Exhibits 3, 4)
3. On October 12, 2012, Claimant submitted to the department verification of her checking account but did not provide the department with verification of her savings account. (Department Exhibit 5A-5B)
4. On October 15, 2012, Claimant's case specialist contacted Claimant and informed her that the department still required verification of her savings

account in order to determine her eligibility for SDA benefits. (Department Exhibit 5-C)

5. On October 15, 2012, the department mailed Claimant a Notice of Case Action (DHS 1605) advising Claimant that her application for SDA benefits had been denied due to her failure to provide the requested verification information. The Notice included the following comments from Claimant's case specialist:
Proof of your checking and savings was originally due 10/5/12. When this information was not received, I called you and stated verification of your bank accounts was needed to approve your benefits. On 10/12/12, I received verification of your checking account but not your savings. You need to reapply. (Department Exhibit 7)
6. On October 17, 2012, the department mailed Claimant a second Verification Checklist (DHS 3503), requesting verification of her savings account. This information was due to the department by October 29, 2012. (Department Exhibit 6)
7. Claimant did not provide the department with verification of her savings account by the October 29, 2012 deadline.
8. On October 31, 2012, Claimant submitted a hearing request protesting the department's denial of her application for SDA benefits. (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. BAM 600. The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC 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 states that clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. Clients

who are able but refuse to provide necessary information or take a required action are subject to penalties. Clients must take actions within their ability to obtain verifications and the department must assist clients when necessary. BAM 105.

The department tells the client what verification is required, how to obtain it, and the due date through the use of the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification. BAM 130. The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or not fluent in English. BAM 105. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130.

For MA, the client is allowed 10 calendar days (or other time limit specified in policy) to provide the verification requested. If the client cannot provide the verification despite a reasonable effort, the time limit is extended up to three times. BAM 130. A Notice of Case Action is sent when the client indicates a refusal to provide a verification, or the time period given has elapsed. BAM 130.

In this case, Claimant disputes the department's denial of her September 6, 2012 application for SDA benefits for failure to provide the required verification of her savings account.

At the March 27, 2013 hearing, the department's representative testified that, in order to approve Claimant's application for SDA benefits, the department required verification of the balance in Claimant's savings account as the department had previously been made aware by Claimant in March 2012 of the existence of the savings account. Claimant testified that while she obtained from her bank a copy of her checking account statement to provide to the department, she was unable to do so with respect to her savings account because this account had no balance and her bank would not provide her with this information. However, Claimant further testified that, in support of her most recent application for SDA benefits at the department's Van Buren County office, Claimant was able to obtain from a different branch of her same bank a statement regarding her savings account balance – thus, demonstrating that Claimant could have reasonably obtained this same information and submitted it to the department prior to the October 12, 2012 verification deadline, but failed to do so.

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 March 27, 2013 hearing, the department properly denied Claimant's September 6, 2012 application for SDA benefits due to Claimant's failure to timely return the required verification of her savings account.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied Claimant's September 6, 2012 application for SDA benefits due to Claimant's failure to timely return the required verification of her savings account. Accordingly, the department's actions in this regard are **UPHELD**.

IT IS SO ORDERED.

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

Date Signed: March 27, 2013

Date Mailed: March 28, 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.

20139576/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/cr

cc:

