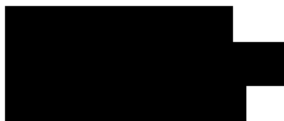


STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

**IN THE MATTER OF:**



Reg. No: 201429241  
Issue No: 2002, 4002  
Case No: [REDACTED]  
Hearing Date: April , 2014  
Genesee County DHS #2

**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 request for a hearing received by the Department of Human Services (Department) on February 3, 2014. After due notice, a telephone hearing was held on April 2, 2014 from Lansing, Michigan. Claimant appeared and provided testimony. The Department was represented by [REDACTED], an eligibility specialist with the Department's Genesee County office.

**ISSUE**

Whether the Department properly denied Claimant's application for Medical Assistance (MA) and State Disability Assistance (SDA) for failure to complete 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. On December 10, 2013, Claimant applied for MA and SDA benefits. (Hearing Summary)
2. On December 19, 2013, the Department mailed Claimant a Medical Determination Verification Checklist (DHS 3503), requesting that Claimant complete and return the following enclosed forms: (i) DHS-0049 Medical Examination Report; (ii) DHS-49-D Psychiatric/Psychological Examination Report; (iii) DHS-0049-F Medical Social Questionnaire; and (iv) DHS-0049-G Activities of Daily Living, by no later than December 30, 2013 in order that the Department may determine Claimant's eligibility. The Department also advised Claimant that he was to attend an appointment on January 3, 2014 with his specialist. (Department Exhibit 2)
3. On January 3, 2014, Claimant attended his required appointment and was given an extension of the December 30, 2013 deadline until January 13, 2014 for completion of the required medical forms. (Department Exhibit 3)

4. Claimant did not submit the required completed medical forms by the January 13, 2014 deadline.
5. On January 23, 2014, the Department mailed Claimant a Notice of Case Action (DHS 1605) advising Claimant that his application for MA benefits had been denied because Claimant failed to provide the Department with all completed verifications. (Department Exhibit 4)
6. On February 3, 2014, Claimant filed a hearing request protesting the Department's denial of his application for MA and SDA benefits. (Request for a Hearing)

### **CONCLUSIONS OF LAW**

Clients have the right to contest a department decision affective eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. 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 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 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) 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 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 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

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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 refusal to provide a verification, or the time period given has elapsed. BAM 130.

In this case, at the April 2, 2014 hearing, the Department's representative, Alice Taylor, testified and submitted supporting documentation establishing that, on December 19, 2013, the Department provided Claimant with a Medical Determination Verification Checklist, requesting that Claimant complete and return four enclosed medical forms by no later than December 30, 2014 in order that the Department may determine Claimant's MA and SDA benefit eligibility. Ms. Taylor further testified that, despite granting Claimant his request for an extension of the deadline until January 13, 2014, as well as giving Claimant an additional 10 days (until January 23, 2014) Claimant failed to submit the required completed medical forms or otherwise request another extension or assistance with obtaining the completed forms.

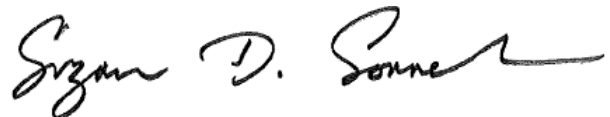
In response, Claimant acknowledged that he did not provide the Department with the requested information by the January 13, 2014 due date or, indeed, by the date of the Department's denial of his application. And, while Claimant testified that he did seek a second extension of the January 13, 2014 verification deadline, he identified his February 3, 2014 hearing request as akin to an extension request, which it is not.

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 April 2, 2014 hearing, the Department acted in accordance with policy in denying Claimant's application for MA and SDA benefits.

### **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 denying Claimant's application for MA and SDA benefits. The department's actions in this regard are therefore **UPHELD**.

It is **SO ORDERED**.



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

Date Signed: April 4, 2014

Date Mailed: April 4, 2014

**NOTICE OF APPEAL:** 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-07322

SDS/hj

cc:

