

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-011577
Issue No.: 4001
Case No.: [REDACTED]
Hearing Date: December 04, 2014
County: IONIA

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on December 4, 2014, from Lansing, Michigan. Participants on behalf of the Claimant included [REDACTED] and his attorney [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Eligibility Specialist, [REDACTED] and Assistant Attorney General, [REDACTED].

ISSUE

Did the Department properly close the Claimant's case for State Disability Assistance (SDA)?

FINDINGS OF FACT

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

1. The Claimant received SDA benefits.
2. On September 1, 2014, the Department closed the Claimant's case due to failure to pursue the potential benefit of SSI by requesting an Appeals Council review.
3. On August 6, 2014, the Department sent the Claimant its decision.
4. On September 8, 2014, the Claimant filed a hearing request, protesting the Department's actions.
5. On September 10, 2014, the Social Security Administration denied the Claimant's request for review indicating that the Claimant's SSI decision is now final.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services Reference Tables Manual (RFT).

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

Additionally, Bridges Eligibility Manual 270 (2014) p. 1, provides that, as a condition of eligibility, individuals must apply for any state and/or federal benefits for which they may be eligible. Any action by the individual or other group members to restrict the benefit made available to the group causes ineligibility. BEM 270, p. 8, provides that an acceptable source of verification for SSI is one of the following five:

1. Single Online Query (SOLQ).
2. HR-070.
3. DHS-1552, Verification of Application for SSI from SSA.
4. Correspondence from SSA.
5. Telephone or other contact with SSA.

BEM 271 (2014) p. 9, provides that a Claimant must request an appeals Council review within 60 days of the SSI hearing decision date. The specialist must:

1. Send the client a DHS-1551, a DHS-1552 marked "Appeal" and a return envelope.

Verify whether the client has requested an appeals council review within 10-calendar-days of the date the DHS-1551 is sent to the client. Acceptable verification that an Appeals Council brief has been filed includes any of the following:

- DHS-1552.
- Single Online Query (SOLQ).
- Documented telephone contact or written acknowledgment from SSA.

Note: SSA does allow good cause for late filing. As a result, allow an extension if the client is unable to file the Appeals Council brief at SSA within the 10-calendar-day limit for any of the following reasons:

- The client is ill.

- The client's county of residence does not have an SSA district office. The client or the client's legal representative is still preparing the appeal.
1. If the client is cooperating with the SSI application process, continue with step 4. **If the client is not cooperating, close state-funded FIP/SDA and MA-P.** End procedure.
 2. This verification may include any of the following:
 - DHS-1552.
 - Single Online Query (SOLQ).
 - SSA-831. Documented telephone contact or written acknowledgment from SSA.
 3. If the appeals council decision is a denial, the decision is now binding on the MA case. The Final SSI Eligibility Determination procedures are listed below, as well as in BEM 260.

In this case, it is not uncontested that the Department sent the Claimant an extension of his original verification checklist with specific instructions and a letter from his lawyer is not considered acceptable verification of his appeal. The verification checklist to inform the Claimant that written acknowledgment of his appeal Council review request from SSA or a completed DHS-1552 completed by SSA were acceptable forms verification of the Claimant's Appeals Council review request. It is not uncontested that neither of those documents was received before the Claimant within news this case closure. Subsequently, the SSA decision is final and the Claimant was no longer eligible for SDA. There was no testimony offered that the Claimant requested another extension, or requested assistance in obtaining the documents from SSA.

Had the Claimant requested assistance, the Department what has been required to assist the Claimant in obtaining the requested verification. As such, the Administrative Law Judge concludes that the Department was acting in accordance with its policy when taking action to close the Claimant's SDA case for failure to submit verification of his Appeals Council review.

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it took action to close the Claimant's SDA case.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



Susanne E. Harris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **12/08/14**

Date Mailed: **12/08/14**

SEH/hj/jaf

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion.

MAHS **MAY** grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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 48909-8139

cc:

