

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

IN THE MATTER OF:

██████████
██████████████████
██████████████████

Reg. No.: 14-008141
Issue No.: 4003, 5000
Case No.: ██████████
Hearing Date: October 15, 2014
County: WAYNE (18)

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

HEARING DECISION

Following 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 October 15, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Assistance Payments Worker.

ISSUE

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

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of SDA benefits.
2. On May 8, 2014, the Department sent Claimant documents necessary to complete his annual medical review with a due date of May 19, 2014.
3. Claimant failed to return the documents by May 19, 2014.
4. On May 23, 2014, the Department sent Claimant a Quick Note advising that it had not received the required documents.
5. On May 28, 2014, the Department again sent Claimant a Quick Note advising that it had not received the required documents.

6. On June 2, 2014, Claimant notified the Department that he had not received the documents.
7. On June 2, 2014, the Department resent the documents with a due date of on or about June 13, 2014.
8. On June 13, 2014, the Department sent Claimant a Notice of Case Action notifying Claimant that his SDA benefits would close effective July 1, 2014 for failure to return documents needed for his medical review.
9. On July 17, 2014, Claimant filed a Request for Hearing disputing the Department's actions.

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), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

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 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001 through R 400.7049.

SER

The hearing was requested to dispute the Department's action taken with respect to his SER program benefits. Shortly after commencement of the hearing, Claimant testified that he never applied for SER benefits and as such, he did not wish to proceed with a hearing relating to SER benefits. The Request for Hearing relating to SER benefits was withdrawn. The Department agreed to the dismissal of the hearing request as it related to SER benefits. Pursuant to the withdrawal of the hearing request filed in this matter, the Request for Hearing regarding SER benefits is, hereby, **DISMISSED**.

Additionally, Department policy requires an annual medical review for SDA clients. BAM 815 (July 2013), p. 3. The Department testified it sent Claimant's documents with a due date of May 19, 2014 in order to process his annual medical review. On May 23, 2014, the Department sent Claimant a Quick Note advising him that it had not received the required documents. On May 28, 2014, the Department sent Claimant another Quick Note stating the documents had not been received.

On June 2, 2014, Claimant advised the Department that he had not received the documents. On June 2, 2014, the Department resent the forms to Claimant. On June 13, 2014, the Department still had not received the required documents from Claimant and as such, it sent Claimant a Notice of Case Action notifying him that his SDA benefits would close effective July 1, 2014 for failure to return required documentation.

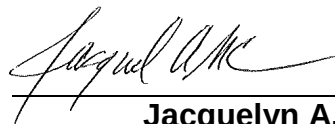
Claimant testified that he received the documents from the Department even though he told the Department on June 2, 2014 that he had not received the documents. Claimant stated that he did not return the documents by the due date because he was waiting on his doctor to complete the forms. Instead of communicating the possible delay to the Department, Claimant testified that he told the Department he had not received the forms in order to obtain additional time. The Department is required to assist clients in completing the Medical Social Questionnaire form if the client or representative is unable to complete the form. BAM 815, p. 3. However, since Claimant never communicated to the Department he was having any issues completing any of the forms sent to him, it was unaware that assistance was needed. It is found that the Department provided Claimant with multiple opportunities to complete the forms required for review and Claimant failed to do so by the various due dates. As such, the Department properly closed Claimant's SDA benefits effective July 1, 2014.

The Administrative Law Judge, based on 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 policy when it closed Claimant's SDA benefits effective July 1, 2014 for failure to return documents needed to complete his annual review.

DECISION AND ORDER

The Request for hearing relating to SER benefits is hereby **DISMISSED**.

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



Jacquelyn A. McClinton
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **10/27/2014**

Date Mailed: **10/27/2014**

JAM / cl

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 48909-07322

CC:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]