

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

IN THE MATTER OF:

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Reg. No.: 14-011645
Issue No.: 4002
Case No.: ██████████
Hearing Date: November 24, 2014
County: WAYNE-DISTRICT 17
(GREENFIELD/JOY)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 November 24, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant, ██████████. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ Family Independence Specialist.

ISSUE

Did the Department properly deny Claimant's State Disability Assistance (SDA) application effective April 16, 2014?

FINDINGS OF FACT

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

1. On an unspecified date, Claimant applied for SDA benefits.
2. On March 21, 2014, the Department sent Claimant a Medical Determination Verification Checklist ("medical packet") and the medical packet was due back by Mach 31, 2014. See Exhibit 1, pp. 9-26.
3. On April 29, 2014, the Department sent Claimant a Psychiatric/Psychological Examination Report and Mental Residual Functional Capacity Assessment. See Exhibit 1, pp. 16-20.
4. Claimant failed to submit the requested medical verifications.

5. On June 26, 2014, the Department sent Claimant a Notice of Case Action notifying her that her Cash (SDA) application was denied effective April 16, 2014, ongoing, because no group member is an eligible child and she failed to comply with the verification requirements. Exhibit 1, pp. 4-8.
6. On September 2, 2014, Claimant filed a hearing request, protesting the SDA denial. See Exhibit 1, p. 2.

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.

Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 105 (April 2014), p. 6.

For SDA cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verification that is requested. BAM 130 (July 2014), p. 6. The Department sends a negative action notice when 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. BAM 130, p. 6.

Additionally, BAM 815 explains the process for obtaining medical evidence provided by the client and how it would be reviewed by the Medical Review Team (MRT). See BAM 815 (July 2013), pp. 1-16.

On an unspecified date, Claimant applied for SDA benefits. On March 21, 2014, the Department sent Claimant a medical packet and it was due back by March 31, 2014. See Exhibit 1, pp. 9-26. On April 29, 2014, the Department sent Claimant a Psychiatric/Psychological Examination Report and Mental Residual Functional Capacity Assessment. See Exhibit 1, pp. 16-20. The Department indicated that Claimant failed to submit the requested medical verifications. In fact, the Department testified that there were several phone conversations between the Claimant and the DHS caseworker.

On or around May 2014, the Department learned from the Claimant that she was having difficulty with her doctor to obtain a psychiatric/psychological examination report. Thus, the Department testified it provided Claimant with an additional thirty days in an attempt to complete that examination. There was no indication that a VCL extension notice

was generated. Also, the Department testified that Claimant has no eligible members for SDA and no eligible children. It should be noted that Claimant testified her eighteen-year-old daughter is disabled, she receives Supplemental Security Income (SSI), and that Claimant is her caretaker. However, Claimant testified that she applied for SDA based on her own disability. Ultimately, on June 26, 2014, the Department sent Claimant a Notice of Case Action notifying her that her Cash (SDA) application was denied effective April 16, 2014, ongoing, because no group member is an eligible child and she failed to comply with the verification requirements. Exhibit 1, pp. 4-8.

At the hearing, Claimant did not dispute the several conversations she had with the Department nor the ongoing issues she has with her doctor to schedule the psychiatric/psychological examination report. However, Claimant testified that she submitted all of the remaining medical verifications to the Department. Claimant testified that she submitted the medical verifications in the local DHS drop box and signed the logbook by the due date. During the hearing, the Department obtained the logbook for the time period of March 21, 2014 to March 31, 2014 and there was no submission discovered by the Claimant.

Furthermore, Claimant testified that she was in a car accident on April 29, 2014 and provided additional medical documents to her DHS caseworker via e-mail on or around May 2014. Claimant testified that she also notified the Department of the car accident via telephone. Claimant provided the copies of the documentation as her Exhibit A, but could not provide a copy of the e-mail(s). See Exhibit A, pp. 1-7. Claimant testified that she spoke to the DHS caseworker and stated the worker confirmed receipt of the additional medical documents submitted. The Department (who is the Claimant's DHS caseworker) could not confirm either receipt of the additional medical documents via email nor the phone conversations confirming receipt. However, the Department testified that it did speak to the Claimant regarding additional medical needs.

Based on the foregoing information and evidence, the Department properly denied Claimant's Cash (SDA) application effective April 16, 2014, in accordance with Department policy.

First, the evidence presented that Claimant failed to submit the requested medical documentation before the due date. It is evident that the Claimant had difficulty in obtaining the psychiatric/psychological examination report; however, Claimant argued she submitted the remaining medical verifications in the local DHS office before the due date. A review of the Department's logbook discovered no submission by the Claimant during the time period she testified that it was submitted. As such, the evidence indicated that Claimant failed to submit any of the medical verifications before the due date.


Second, Claimant testified that she submitted additional documents via e-mail to the Department. However, Claimant failed to provide proof of the e-mail(s) sent to the Department. It also appears that the Department did provide Claimant with an

extension to provide the medical verifications because there is almost a three-month break between the original medical packet due date and the denial notice. See Exhibit 1, pp. 4-26. There was no indication that a VCL extension notice was generated. Nonetheless, Claimant must complete the necessary forms to determine her initial SDA eligibility. BAM 105, p. 6. Because the medical packet was properly mailed and the Claimant failed to submit the medical packet before the due date, the Department acted in accordance with Department policy when it denied Claimant's Cash (SDA) application effective April 16, 2014. BAM 105, p. 6; BAM 130, p. 6; and BAM 815, pp. 1-16. Claimant can reapply for SDA benefits.

DECISION AND ORDER

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 Department policy when it properly denied Claimant's Cash (SDA) application effective April 16, 2014.

Accordingly, the Department's SDA decision is AFFIRMED.


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

Date Signed: **12/2/2014**

Date Mailed: **12/2/2014**

EJF / 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 48909-8139

CC: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]