

**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.: 2014-18872
Issue No(s): 4002
Case No.: ██████████
Hearing Date: March 5, 2014
County: Wayne (31)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 March 5, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist.

ISSUE

Did the Department properly deny Claimant's application 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. On an unverified date, Claimant submitted an application for SDA benefits.
2. On November 25, 2013, the Department sent Claimant a Medical Determination Verification Checklist along with other forms for which Claimant was required to complete and submit to the Department by December 5, 2013. (Exhibit A)
3. On December 11, 2013, the Department sent Claimant a Notice of Case Action informing him that his SDA application had been denied on the basis that he failed to return information necessary to complete a disability determination.

4. On December 18, 2013, Claimant submitted a hearing request 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 MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

Additionally, verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (July 2013), p.1. To request verification of information, the Department sends a verification checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, pp. 2-3. Although the client must obtain the required verification, the Department must assist if a client needs and requests help. If neither the client nor the Department can obtain the verification despite a reasonable effort, the Department is to use the best available information; and if no evidence is available, the Department is to use its best judgment. BAM 130, p. 3.

With respect to SDA cases, clients are given 10 calendar days to provide the verifications requested by the Department. Verifications are considered to be timely if received by the date they are due. BAM 130, p.6. The Department will send 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.

In this case, in connection with Claimant's SDA application, the Department testified that on November 25, 2013, it sent Claimant a Medical Determination Verification Checklist (VCL), along with other documents such as a DHS 49-Medical Examination Report, DHS 49E-Mental Residual Functional Capacity Assessment, DHS 49F- Medical Social Questionnaire, DHS 49G- Activities of Daily living and a DHS 3975-Reimbursement Authorization. Claimant was instructed to return the forms and his medical records to the Department by December 5, 2013. (Exhibit A).

The Department stated that because it did not receive Claimant's medical records, it sent Claimant a Notice of Case Action on December 11, 2013, denying the SDA application based on a failure to provide documents to complete a disability determination. The Department testified that Claimant did timely submit some of the

requested documents but that because the medical records were not submitted, the application was denied.

At the hearing, Claimant testified that he received the VCL and that in response he submitted the requested documents. Claimant stated that he went to his doctor and that his doctor completed the required forms and turned them into the Department. A review of the evidence presented by Claimant establishes that on December 5, 2013, he also submitted the DHS 49F, DHS 49G, and DHS 3975. (Exhibit A).

The Department does not have the right to deny an application on the basis that medical documentation was not returned. BAM 815 does not allow the Department to deny an application for failing to return medical evidence, as per policy, Claimant is only required to return a DHS 1555 and a DHS 49F, which he stated did in this case. BAM 815 (July 2013). If there is a lack of medical evidence, the case is to be denied by MRT for lack of medical evidence, as the determination of insufficient evidence to make an eligibility determination with regards to SDA lies solely with MRT, not the Department's local office. The local office in this case superseded the duties of the MRT to make their own eligibility determination by determining that Claimant did not submit documentation to complete a disability determination. If there is not enough medical evidence, MRT is to make the finding of no disability.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Claimant's SDA application.

DECISION AND ORDER

Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Register and process Claimant's SDA application to determine Claimant's eligibility for benefits at the time of application;
2. Forward Claimant's application to the MRT for a disability determination;
3. Issue supplements to Claimant for any SDA benefits that he was entitled to receive but did not from the application date, ongoing; and

4. Notify Claimant of its decision in writing.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 12, 2014

Date Mailed: March 13, 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

ZB/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]