

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-26973
Issue No.: 4002
Case No.: [REDACTED]
Hearing Date: April 17, 2014
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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, an in-person hearing was held on April 17, 2014, from Inkster, Michigan. [REDACTED] testified and appeared as Claimant's authorized hearing representative (AHR). Participants on behalf of the Department of Human Services (DHS) included [REDACTED] Specialist.

ISSUE

The issue is whether DHS properly denied Claimant's State Disability Application (SDA) due to a failure to verify information.

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 1 [REDACTED], Claimant applied for SDA benefits.
2. On [REDACTED], DHS denied Claimant's SDA application due to a failure to verify information (see Exhibits A1-A2).
3. Claimant did not fail to verify information.
4. On [REDACTED], Claimant requested a hearing to dispute the SDA application denial.

CONCLUSIONS OF LAW

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

Claimant requested a hearing to dispute an SDA application denial. A DHS Hearing Summary implied that Claimant's SDA application was not denied. During the hearing, Claimant's AHR produced a Notice of Case Action which verified that DHS mailed a Notice of Case Action (Exhibits A1-A2) denying an SDA application. It is possible that DHS voluntarily reinstated Claimant's application after denying the application. This scenario was not strongly considered because DHS should have been able to verify an application reinstatement. Also, Claimant's AHR testified credibly that Claimant has not received any updates on Claimant's case status after DHS mailed written notice of the denial. Thus, the hearing proceeded based on the presumption that the last DHS action concerning Claimant's application was a denial based on a failure to verify information.

For all programs, DHS is to use the DHS-3503, Verification Checklist to request verification. BAM 130 (5/2012), pp. 2-3. DHS must give clients at least ten days to submit verifications. *Id.*, p. 3 DHS must tell the client what verification is required, how to obtain it, and the due date. *Id.*, p. 2.

In the present case, DHS essentially conceded that Claimant's application was improperly denied. DHS offered no information concerning the verification request. DHS testimony indicated that Claimant was recently determined to be disabled and that benefits would be forthcoming.

Claimant's AHR requested that DHS be ordered to issue SDA benefits to Claimant. The AHR request was premature. Administrative jurisdiction is limited to the dispute, which led to the hearing request, whether DHS properly denied Claimant's application due to an alleged failure by Claimant to verify medical information. The evidence clearly established that the denial was improper; the below order addresses only this DHS failure. As discussed during the hearing, if Claimant has further disputes with DHS, further hearing requests may be submitted.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application for SDA benefits. It is ordered that DHS perform the following actions:

- (1) reinstate Claimant's SDA application dated [REDACTED]; and
- (2) process Claimant's application subject to the finding that Claimant did not fail to verify information.

The actions taken by DHS are **REVERSED**.



Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 5/6/14

Date Mailed: 5/6/14

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

CG/hw

cc:

