

**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 30423
Issue No(s): 1002
Case No.: ██████████
Hearing Date: April 14, 2014
County: Wayne (31)

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 April 14, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ Assistance Payment Supervisor.

ISSUE

Did the Department properly deny Claimant's application for State Disability Assistance (SDA) benefits for failure to verify her disability?

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 applied for SDA benefits on February 5, 2014.
2. On February 7, 2014, the Department sent Claimant a Verification Checklist (VCL) requesting that she provide medical records regarding her disability by February 18, 2014.
3. On February 8, 2014, Claimant called her assigned worker and made the first of several attempts to obtain an extension of time to return the required documents.

4. On February 18, 2014, Claimant's assigned worker returned her call advising that she could not have an extension and that she could only submit the required information on a Department approved form.
5. On February 20, 2014, the Department sent Claimant a Notice of Case Action notifying her that her application for SDA benefits had been denied for failure to verify her disability.
6. On February 25, 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 MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

Claimant acknowledged receipt of the VCL requesting that she provide her medical records. Claimant credibly testified that beginning on February 8, 2014, she left multiple voicemails for her assigned worker requesting an extension of time to return the documents. Claimant further stated that her assigned worker did not return her call until February 18, 2014, the day the medical records were due. Claimant informed her worker that she had a paper copy of her medical records as well as a copy of her medical records on a CD. Claimant's worker advised her that she could not submit the paper copy or the CD and that the Department's approved form must be used. Department policy does not allow a client to submit medical records on a CD but instead requires the client to submit a paper copy. BAM 815 (July 2013), p. 1. Further, nothing on the VCL advised Claimant that she could not submit her medical records by CD. Accordingly, Claimant had no way of knowing prior to February 18, 2014 that the CD was not allowed.

Claimant explained to her assigned worker that she would have to pay for the information to be completed on the Department's approved form and that she could not afford the fee at that time. Despite being advised of the financial hardship, Claimant's assigned worker denied her request for an extension. Department policy requires that if a client is unable to provide verification despite reasonable efforts, the Department is to extend the time limit up to three times. BAM 130 (January 2014), p. 6. Further, Department policy requires that payment assistance is to be provided to the client in obtaining medical evidence. BAM 815, p. 7.

Because the Department failed to grant Claimant's request for extension, failed to accept a paper copy of her medical records and failed to offer any payment assistance, 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 did not act in accordance with Department policy when it denied Claimant's February 5, 2014 application for SDA benefits.

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 Reprocess Claimant's February 5, 2014 application for SDA benefits;
2. Issue supplements to Claimant for any SDA benefits she is eligible to receive but did not from March 1, 2014 ongoing; and
3. Notify Claimant in writing of its decision in accordance with Department policy.


JACQUELYN A. MCCLINTON
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 30, 2014

Date Mailed: April 30, 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

JAM/cl

cc:

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