

**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.: 2014-33720
Issue No(s): 4002
Case No.: ██████████
Hearing Date: April 24, 2014
County: Wayne (55)

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 April 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 ██████████ Hearings Coordinator; and ██████████ Assistance Payment Worker.

ISSUE

Did the Department properly deny Claimant's State Disability Assistance (SDA) program application effective December 16, 2013, ongoing?

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 November 22, 2013, Claimant applied for SDA benefits.
2. On December 3, 2013, the Department sent Claimant a Medical Determination Verification Checklist (medical packet) and it was due back by December 13, 2013. See Exhibit 1.
3. Claimant failed to submit the medical packet by the due date.
4. On January 21, 2014, the Department sent Claimant a Notice of Case Action notifying him that his SDA application was denied effective December 16, 2013, ongoing, due to his failure to submit the medical packet. See Exhibit 1.

5. On March 21, 2014, Claimant filed a hearing request, protesting the SDA denial. See Exhibit 1.

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.

Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 105 (January 2014), p. 7.

For SDA cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verifications it requests. BAM 130 (January 2014), p. 5. Also for SDA cases, if 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, then policy directs that a negative action be issued. 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.

In this case, on November 22, 2013 Claimant applied for SDA benefits. On December 3, 2013, the Department sent Claimant a medical packet and it was due back by December 13, 2013. See Exhibit 1. The Department testified that it never received the medical packet from the Claimant. Thus, on January 21, 2014, the Department sent Claimant a Notice of Case Action notifying him that his SDA application was denied effective December 16, 2013, ongoing, due to his failure to submit the medical packet. See Exhibit 1.

It should be noted that the Department presented a correspondence history that showed both the medical packet and notice of case action were centrally printed. See Exhibit 1. Moreover, the Department testified that the medical packet was not returned as undeliverable.

At the hearing, Claimant testified that he never received the medical packet in December 2013. Claimant testified that he only received it a couple of weeks ago when it was included in his hearing packet. See Exhibit 1. Claimant testified that the address was proper at the time the medical packet was sent and that he did receive the denial notice. Claimant appeared to indicate that he has issues with his mail, in which he did not receive the medical packet. Furthermore, Claimant testified that he contacted the

Department on March 17, 2014 and a few additional times. However, Claimant testified that he never contacted the Department before this date. It should be noted that Claimant brought medical documentation to the hearing (e.g., hospital records); however, he testified this was the first time he was providing such evidence.

The proper mailing and addressing of a letter creates a presumption of receipt which may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976).

Based on the foregoing information and evidence, the Department properly denied Claimant's SDA application effective December 16, 2013, ongoing, in accordance with Department policy.

First, it is found that Claimant failed to rebut the presumption of proper mailing. The evidence presented that the Department properly sent the medical packet via central print to Claimant's proper address. Moreover, the Department did not receive any unreturned mail. As such, it is found that the Department properly sent Claimant's medical packet to the proper address in accordance with Department policy.

Second, because it was determined that the medical packet was properly mailed, the evidence presented that Claimant failed to submit the requested documentation before the due date. Claimant must complete the necessary forms in determine his initial SDA eligibility. BAM 105, p. 7. 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 SDA application effective December 16, 2013, ongoing. BAM 105, p. 7; BAM 130, pp. 5-6; 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 SDA application (dated November 22, 2013) effective December 16, 2013, ongoing.

Accordingly, the Department's SDA decision is AFFIRMED.



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

Date Signed: May 6, 2014

Date Mailed: May 6, 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

EJF/cl

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