

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

IN THE MATTER OF:



Reg. No.: 15-003943
Issue No.: 4001
Case No.: [REDACTED]
Hearing Date: June 11, 2015
County: Wayne (31)

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, a telephone hearing was held on June 11, 2015, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Michigan Department of Health and Human Services (MDHHS) included [REDACTED], medical contact worker.

ISSUE

The issue is whether MDHHS properly denied Claimant's State Disability Assistance (SDA) application due to Claimant's failure to verify Michigan Rehabilitation Service (MRS) participation.

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 [REDACTED], Claimant applied for SDA based on his participation with MRS.
2. On [REDACTED] MDHHS mailed Claimant a Verification Checklist (VCL) (Exhibit 1) requesting verification of Claimant's MRS status; the VCL due date was [REDACTED].
3. On [REDACTED], and following a Claimant VCL extension request, MDHHS mailed Claimant a VCL again requesting verification of Claimant's MRS status; the updated VCL due date was [REDACTED].

4. On [REDACTED] MDHHS denied Claimant's SDA application due to Claimant's failure to verify MRS participation.
5. On [REDACTED], Claimant requested a hearing to dispute the denial of SDA benefits.

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. MDHHS (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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Claimant requested a hearing to dispute a denial of an SDA application. It was not disputed that MDHHS denied Claimant's application due to Claimant's alleged failure to verify his participation with MRS.

Persons receiving Michigan Rehabilitation Services meet the SDA disability criteria. BEM 261 (7/2014), p. 2. A person is receiving services if he has been determined eligible for MRS and has a signed active individual plan for employment (IPE) with MRS. *Id.*

Claimant testified that he lost his MRS counselor in July 2014. Claimant testified that he was not assigned a new counselor until November 2014. Claimant testified that he tried to get anyone at MRS to complete a MDHHS provided form which could have verified his MRS participation. Claimant testified that he was told by MRS staff that it is their policy to not sign the MDHHS form for the purpose of verifying MRS participation; a MDHHS specialist also testified that was her understanding of current MRS policy. Claimant testified that MRS would only verify his participation by completing an Individualized Plan of Employment (IPE). Claimant testified that despite his best efforts, his new MRS counselor would not provide him with an IPE until February 2015. Claimant essentially contended that his SDA application should not be denied for a failure to verify MRS participation when he was not at fault for failing to provide the verification.

Claimant's testimony is problematic for two reasons. First, MDHHS policy only recognizes MRS participation when a client has an IPE. It was not disputed that Claimant did not have an IPE until February 2015, after MDHHS denied Claimant's SDA application. A literal application of MDHHS policy supports affirming the denial of Claimant's SDA application.

Secondly, even if MDHHS policy was interpreted to allow for delays in submitting an IPE when MRS is at fault, Claimant's testimony was unverified and too incredible to accept as fact. Claimant had over 6 months to obtain an IPE. There have been past occasions

when MDDHS and/or their contractors acted in shockingly incompetent fashion; such actions are the exception. Claimant's testimony would have been more persuasive if correspondence or other evidence was presented; no other evidence was presented. Claimant's testimony, by itself, is too improbable to accept as fact.

It is found that Claimant failed to timely submit an IPE to MDHHS. Accordingly, it is found that MDHHS properly denied Claimant's SDA application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Claimant's SDA application dated [REDACTED], [REDACTED] due to Claimant's failure to submit an IPE. The actions taken by MDHHS are **AFFIRMED**.



Christian Gardocki
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **6/18/2015**

Date Mailed: **6/18/2015**

CG / hw

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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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:

