

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-013572
Issue No.: 4001
Case No.: [REDACTED]
Hearing Date: September 17, 2015
County: Genesee-District 6

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on September 17, 2015, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Health and Human Services (Department) included [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly deny the Claimant's application for State Disability Assistance (SDA) for failure to attend medical appointment?

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 May 4, 2015, the Claimant applied for SDA. Department Exhibit 4-23.
2. On May 28, 2015, the medical packet was submitted to the Medical Review Team (MRT) by the Department. Department Exhibit 24-83.
3. On June 3, 2015, the MRT issued a deferral for additional medical examination for the Claimant to attend a mental and physical examination scheduled by the Department. Department Exhibit 84.
4. On June 12, 2015, the Department sent a Medical Appointment Confirmation Notice, DHS 800, for an appointment on [REDACTED] at 1 p.m. for a psychiatric examination sent to [REDACTED]. Department Exhibit 85.

5. On June 12, 2015, the Department sent a Medical Appointment Confirmation Notice, DHS 800, for an appointment on [REDACTED] for a medical examination sent to [REDACTED]. Department Exhibit 86.
6. The Claimant was a no call and no show for his medical appointments as confirmed by the Department on [REDACTED] and [REDACTED]. Department Exhibit 87.
7. On July 2, 2015, the Claimant was sent a denial notice that his SDA application was denied for failure to attend his medical appointment on June 29, 2015. Department Exhibit 88-91.
8. On July 8, 2015, the Department received a hearing notice from the Claimant, contesting the Department's negative action.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Health and Human Services (formerly known as the Department of Human Services) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

In this case, the Claimant applied for SDA on May 4, 2015. Department Exhibit 4-23. On May 28, 2015, the medical packet was submitted to the Medical Review Team (MRT) by the Department. Department Exhibit 24-83. On June 3, 2015, the MRT issued a deferral for additional medical examination for the Claimant to attend a mental and physical examination scheduled by the Department. Department Exhibit 84. On June 12, 2015, the Department sent a Medical Appointment Confirmation Notice, DHS 800, for an appointment on [REDACTED] at 1 p.m. for a psychiatric examination sent to [REDACTED]. Department Exhibit 85. On June 12, 2015, the Department sent a Medical Appointment Confirmation Notice, DHS 800, for an appointment on [REDACTED] at 9:45 a.m. for a medical examination sent to [REDACTED]. Department Exhibit 86. The Claimant was a no call and no show for his medical appointments as confirmed by the Department on [REDACTED], [REDACTED] and [REDACTED]. Department Exhibit 87. On July 2, 2015, the Claimant was sent a denial notice that his SDA application was denied for failure to attend his medical appointment on June 29, 2015. Department Exhibit 88-91. On July 8, 2015, the Department received a hearing notice from the Claimant, contesting the Department's negative action. BAM 105, 110, 115, 130, 220, 600, and 810. BEM 261.

During the hearing, the Claimant stated that he did not receive the medical appointment notices. He would not have missed his appointments because he needs the financial assistance from SDA. The Claimant confirmed his mailing address on the notices sent was the same. He received the denial notice and the hearing notice. The notices were not delivered back to the Department as returned mail. Therefore, 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 denied the Claimant's application for SDA because he failed to attend his medical appointments.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



Carmen G. Fahie
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **9/30/2015**

Date Mailed: **9/30/2015**

CGF/las

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:

