



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: May 20, 2016
MAHS Docket No.: 16-003732
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

Following Petitioner'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 May 9, 2016, from Detroit, Michigan. Petitioner appeared and was unrepresented. Catesia [REDACTED], Petitioner's fiancé, testified on behalf of Petitioner. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], hearing facilitator.

ISSUE

The issue is whether MDHHS properly denied Petitioner's application for State Disability Assistance (SDA).

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], Petitioner applied for SDA benefits.
2. On [REDACTED], MDHHS mailed Petitioner a Medical Determination Verification Checklist requesting proof of various items, including a pending SSA application.
3. MDHHS was unable to verify Petitioner had a pending SSA application without Petitioner's assistance.

4. On [REDACTED] MDHHS denied Petitioner's SDA application due to Petitioner's failure to submit proof of a pending SSA application.
5. On [REDACTED], Petitioner 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).

Petitioner requested a hearing to dispute a denial of SDA benefits. MDHHS presented a Notice of Case Action (Exhibit 1, pp. 1-5) dated [REDACTED]. The written notice stated SDA benefits were denied due to Petitioner's failure to attend an interview and to verify a pending SSA application. The analysis will commence with an examination of whether MDHHS properly denied the application based on the alleged failure to verify a pending SSA application.

[For medical determination applications, MDHHS is to] complete a DHS-3503-MRT, Medical Determination Verification Checklist, indicating the following verifications [are] required: DHS-49-F, DHS-1555, DHS-3975, Reimbursement Authorization (for state-funded FIP/SDA only), [and] verification of SSA application/appeal. BAM 815 (January 2016), p. 4. Thus, it can be found that MDHHS was authorized to request verification of a pending SSA appeal.

MDHHS presented a Medical Determination verification Checklist (Exhibit 1, p. 8-9) dated [REDACTED]. The requested items included proof of a pending SSA application. The due date to return documents was [REDACTED]. Petitioner was also scheduled for an interview on his verification due date.

At the time of Petitioner's application, Petitioner was homeless. As a result, Petitioner had to use the MDHHS office address as his mailing address. The presented Medical Determination Verification Checklist listed a mailing address matching the MDHHS office's address. Petitioner alleged MDHHS failed in their obligations to forward the document to a later reported address.

Petitioner and his fiancée testified that in late January 2016, MDHHS was informed that Petitioner moved into a new residence. Both persons alleged an unknown person in Lansing and Petitioner's specialist were aware of the change. Petitioner and his fiancée further expressed an expectation that MDHHS would begin sending correspondence to the new residence, including correspondence that was previously mailed to the MDHHS office.

Petitioner's specialist did not testify, however, an email exchange (see Exhibit 1, p. 10) between her and Petitioner's fiancée's specialist was presented. The email exchange established some support to Petitioner's allegation that MDHHS failed to update his address.

The email exchange included a statement by Petitioner's fiancée's specialist that Petitioner reported a change in address to his specialist, which was not processed. The exchange also verified a reporting to Petitioner's fiancée's specialist that Petitioner and his fiancée lived together since January 2016. These considerations somewhat support Petitioner's testimony. Other evidence was less supportive.

The email exchange indicated Petitioner's specialist was aware of Petitioner's mailing address (presumably, the newly reported address which was different from the MDHHS office address) on March 3, 2016. This consideration supports a finding that Petitioner's specialist was unaware of a change in address until it was too late to resurrect Petitioner's already denied SDA application.

The presented Notice of Case Action listed a mailing address of the MDHHS office. Thus, it can be concluded that as of [REDACTED], MDHHS had not updated the alleged change in address. If Petitioner's testimony was accurate, then an unspecified person in Lansing and Petitioner's specialist would have both failed to update Petitioner's address. The failure of one person to not process an address change is reasonably possible; the failure of multiple MDHHS staff to not process an address change is less possible.

MDHHS mailed Petitioner the Medical Determination Checklist and various other documents on [REDACTED]. It was not disputed that Petitioner had yet to report any change in address as of that date. The most concerning problem for Petitioner was the undisputed evidence that he failed to pick up that correspondence. If Petitioner reported a change in address approximately 2 weeks later, that is a substantial amount of time Petitioner would have allowed to pass without checking available correspondence.

It is found Petitioner did not timely report an address change to MDHHS. Accordingly, MDHHS is not faulted for not mailing or forwarding documents to Petitioner's updated mailing address.

It should be noted that a denial of benefits based on a client failure to verify a pending SSA application is not appreciated unless MDHHS makes some efforts to attempt to verify the information without the client's assistance. MDHHS satisfied this obligation.

MDHHS presented a Verification of Application or Appeal for SSI/RSDI (Exhibit 1, p. 6-7). The document was signed by a SSA representative on [REDACTED] and indicated Petitioner had no record of a SSA application. The document was sufficient proof that MDHHS tried to verify Petitioner had a pending SSA application.

Petitioner testimony indicated he possessed proof of a pending disability application with SSA; Petitioner's testimony was not relevant. Petitioner was not denied for not having a pending disability application with SSA; he was denied for failing to verify the pending application.

Based on presented evidence, it is found Petitioner failed to verify a pending SSA application. Accordingly, the denial of Petitioner's SDA application was proper.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's SDA application dated [REDACTED]. The actions taken by MDHHS are **AFFIRMED**.

CG/hw



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

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

DHHS

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]