



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: June 9, 2016
MAHS Docket No.: 16-004261
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 16, 2016, from Detroit, Michigan. The Petitioner appeared for the hearing with her friend, [REDACTED] and her daughter, [REDACTED] and represented herself for the hearing. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly deny Petitioner's application for State Disability Assistance (SDA) and process her Food Assistance Program (FAP) benefits?

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 or around March 25, 2013, Petitioner applied for SDA benefits.
2. On March 28, 2013, the Department sent Petitioner a Medical Determination Verification Checklist (VCL) instructing her to submit requested verifications and medical records including: the DHS-49 Medical Examination Report; the DHS-49F Medical Social Questionnaire; the DHS-1555 Authorization to Release Protected Health Information; the DHS-49G Activities of Daily Living; and the DHS-3975 Reimbursement Authorization by April 8, 2013. (Exhibit A, p. 12; Exhibit B, pp. 31-32)

3. The Department did not receive the requested documents by the due date.
4. The Department provided Petitioner with additional time to submit the requested verifications.
5. On May 3, 2013, the Department sent Petitioner a Notice of Case Action advising her that the SDA cash assistance application was denied on the basis that she failed to verify requested information, specifically, failing to return the medical packet in a timely manner. (Exhibit B, pp. 22-28)
6. On May 15, 2013, Petitioner requested a hearing disputing the denial of her SDA application and the denial of her FAP benefits. (Exhibit B, pp. 2-3)
7. Petitioner's May 15, 2013, hearing request was timely received by the Department but not forwarded to MAHS for scheduling.
8. On March 29, 2016, Petitioner submitted a second hearing request disputing the denial of her SDA application and the Department's failure to process her May 2013 hearing request. Petitioner's March 29, 2016, hearing request did not indicate that she was disputing an issue with her FAP benefits. (Exhibit A, pp. 2-3)
9. The hearing requests were consolidated for hearing purposes, based on the Department's acknowledgement that Petitioner's May 2013 request was never processed or scheduled for hearing.

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).

FAP

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

Petitioner submitted a hearing request in May 2013 to dispute the Department's actions taken with respect to her FAP benefits. Shortly after commencement of the hearing, Petitioner testified that she now understood and was satisfied with the actions taken by the Department and did not wish to proceed with the hearing. Petitioner stated that

there was no longer any issue to resolve regarding her FAP case. The Request for Hearing was withdrawn. The Department did not object to the dismissal of the hearing request regarding FAP. Pursuant to the withdrawal of the hearing request filed in this matter, the Request for Hearing is, hereby, **DISMISSED**.

SDA

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.

Additionally, verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (May 2012), p.1. To request verification of information, the Department sends a verification checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, pp. 2-3. Although the client must obtain the required verification, the Department must assist if a client needs and requests help. If neither the client nor the Department can obtain the verification despite a reasonable effort, the Department is to use the best available information; and if no evidence is available, the Department is to use its best judgment. BAM 130, p. 3.

With respect to SDA cases, clients are given 10 calendar days to provide the verifications requested by the Department. Verifications are considered to be timely if received by the date they are due. BAM 130, pp.5-7. The Department sends a negative action notice when the client indicates a refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, pp.5- 7.

In this case, in connection with Petitioner's SDA application, the Department testified that it sent Petitioner a Medical Determination (VCL) instructing her to complete and return various medical records/forms to the Department by April 5, 2013. The Department stated that the due date for Petitioner to submit the verifications was verbally extended, however, because the documents were not received and there was no contact from Petitioner regarding the verifications or medical documents, a Notice of Case Action was issued on May 3, 2013, denying the application. The Department stated that Petitioner submitted some medical forms on November 17, 2015.

At the hearing, Petitioner confirmed receiving the VCL. Petitioner disputed being given extensions to submit the documentation and stated that she attempted to contact her case worker but received no response from the Department. Petitioner stated that she could not submit all of the requested documentation by the April 8, 2013, due date but that she turned in the DHS-49 on April 17, 2013, or April 18, 2013, which the Department disputed receiving timely. Petitioner did not present any evidence that she submitted all of the requested verifications by the due date or prior to the negative action period.

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 because the Department did not receive the requested information by the due date, the Department acted in accordance with Department policy when it denied Petitioner's SDA application. Petitioner is informed that she is entitled to submit a new SDA application to have her eligibility determined

DECISION AND ORDER

Accordingly, the hearing request with respect to FAP is **DISMISSED** and the Department's SDA decision is **AFFIRMED**.



ZB/tlf

Zainab A. Baydoun

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

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