



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: November 17, 2016
MAHS Docket No.: 16-013368
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 October 24, 2016, from Detroit, Michigan. The Petitioner was represented by Petitioner. [REDACTED] [REDACTED] also appeared on behalf of Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly deny Petitioner's application for SDA 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 [REDACTED] Petitioner applied for SDA benefits.
2. On [REDACTED], the Department mailed Petitioner a Medical Determination Verification Checklist (VCL) which requested that he complete a Medical Social Questionnaire, an Authorization to Release Protected Health Information Medical Records and provide proof of pending Social Security Administration disability benefits application
3. The documents were due on or before [REDACTED].

4. Petitioner's LTP requested an extension which was granted by the Department with a new due date of [REDACTED].
5. Petitioner did not return the proof of pending Social Security application on or before [REDACTED].
6. On [REDACTED], the Department sent Petitioner a Notice of Case Action which informed Petitioner that his application for SDA benefits had been denied for failure to verify information.
7. On [REDACTED], Petitioner filed a Request for Hearing disputing the Department's actions.

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.

Additionally, verifications are usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (January 2016), p. 1. In this case, Petitioner applied for SDA benefits on June 27, 2016. [REDACTED], the Department mailed Petitioner a Medical Determination VCL which requested that he complete a Medical Social Questionnaire, an Authorization to Release Protected Health Information Medical Records and provide proof of pending Social Security Administration disability benefits application.

Petitioner acknowledged receipt of the VCL. Petitioner testified that his LTP handles all of his paperwork. Petitioner's LTP timely submitted the questionnaire and the medical release, but requested an initial extension of the [REDACTED] deadline to submit the proof of pending Social Security disability application. Petitioner's LTP testified that she became overwhelmed with the numerous doctor's appointment she was scheduling and attending on behalf of Petitioner and that the due date slipped her mind. If the verifications are not received timely, the Department is unable to process the case and the application is to be denied under the Department's policy.

The Department did not immediately send out the denial and waited another week until [REDACTED] before it sent the Notice of Case Action denying Petitioner's

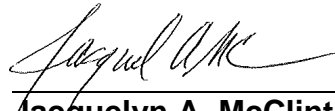
application for SDA benefits. As such, the Department followed its policy when it denied Petitioner's application for SDA benefits for failure to submit required verifications.

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 denied Petitioner's application for SDA benefits for failure to verify.

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

JM/hw



Jacquelyn A. McClinton

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]