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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
MI [REDACTED]

Date Mailed: April 12, 2021
MOAHR Docket No.: 20-007355
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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; 42 CFR 438.400 to 438.424; 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 January 27, 2021. [REDACTED] Mother and Authorized Hearing Representative (AHR) represented the Petitioner. [REDACTED] the Petitioner, appeared and testified. [REDACTED] Friend, was present as a witness for the Petitioner. The Department of Health and Human Services (Department) was represented by Lori Aumick, Hearing Facilitator.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-85. The hearing record was left open for Petitioner's AHR to submit evidence of what documentation was submitted to the Department between September 28, 2020 and November 5, 2020. Petitioner's documentation was received and has been admitted as Exhibit 1, pp. 1-45 and Exhibit 2, pp. 1-34.

ISSUE

Did the Department properly deny Petitioner's [REDACTED] and [REDACTED] applications for State Disability Assistance (SDA) cash assistance?

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] [REDACTED] Petitioner applied for SDA, food assistance, and medical assistance. (Exhibit A, pp. 5-11)
2. On September 30, 2020, a Medical Determination Verification Checklist was issued to Petitioner with an October 12, 2020 due date. The Department requested

completion of several forms: medical-social questionnaire; release of information; work history questionnaire; reimbursement authorization; and proof of pending application or appeal with Social Security Administration (SSA). The needed forms were sent to Petitioner. (Exhibit A, pp. 12-33)

3. On September 30, 2020, an Appointment Notice was issued to Petitioner for an appointment on October 7, 2020. (Exhibit A, pp. 34-35)
4. On October 7, 2020, a Notice of Missed Appointment was issued to Petitioner. In part, it was explained that an interview is required to apply for food assistance, and it was now Petitioner's responsibility to reschedule the interview before October 28, 2020 or the application would be denied. Petitioner was to contact the Department to reschedule the interview. (Exhibit A, p. 36)
5. On [REDACTED] [REDACTED] Petitioner submitted another application for SDA and food assistance. (Exhibit A, pp. 37-42)
6. On October 14, 2020, a Notice of Case Action was issued to Petitioner, in part denying SDA based on a failure to provide requested information. (Exhibit A, pp. 47-52)
7. On October 14, 2020, an interview was completed with Petitioner. (Exhibit A, pp. 56-57)
8. On October 14, 2020, a Verification Checklist was issued to Petitioner with an October 26, 2020 due date. The Department requested verifications regarding disability and residential address. (Exhibit A, pp. 58-60)
9. On October 14, 2020, a first extension was also granted for providing the previously requested forms. The needed forms were re-printed and mailed to Petitioner. (Exhibit A, pp. 3 and 85; Hearing Facilitator Testimony)
10. On October 22, 2020, Petitioner submitted a screen shot of an SSA application pending letter. (Exhibit A, p. 61)
11. On October 26, 2020, a second extension was granted and the due date for providing the requested verifications was November 5, 2020. (Exhibit A, pp. 3 and 85; Hearing Facilitator Testimony)
12. On November 6, 2020, a Notice of Case Action was issued to Petitioner denying SDA based on a failure to provide requested information. (Exhibit A, pp. 62-65)
13. On November 14, 2020, Petitioner requested a hearing contesting the Department's determination and included correspondence he had received from the Department as well as several of the forms the Department had requested. (Exhibit A, pp. 66-80)

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 general, Verification is to be obtained when information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. The Department must tell the client what verification is required, how to obtain it, and the due date. The client must obtain required verification, but the Department must assist if the client needs and requests help. If neither the client nor the Department can obtain verification despite a reasonable effort, the Department should use the best available information. If no evidence is available, the Department is to use their best judgment. BAM 130, April 1, 2017, pp. 1-3.

For SDA, the Department must allow the client 10 calendar days (or other time limit specified in policy) to provide the verification requested. Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email or Mi Bridges document upload), the date of the transmission is the receipt date. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a MDHHS representative are considered to be received the next business day. The Department is to send a negative action notice when the client indicates refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. If the client contacts the department prior to the due date requesting an extension or assistance in obtaining verifications, the specialist may grant an extension to the VCL due date. BAM 130, p. 7. For medical assistance, if the client cannot provide the verification despite a reasonable effort, the Department may extend the time limit up to two times. BAM 130, p. 8)

In this case, Petitioner applied for SDA, food assistance, and medical assistance on [REDACTED] (Exhibit A, pp. 5-11) On September 30, 2020, a Medical Determination Verification Checklist was issued to Petitioner with an October 12, 2020 due date. The Department requested completion of several forms: medical-social questionnaire; release of information; work history questionnaire; reimbursement authorization; and proof of pending application or appeal with SSA. The needed forms were sent to Petitioner. (Exhibit A, pp. 12-33) The Department did not receive the required verifications, or any other response to the September 30, 2020 Medical Determination Verification Checklist by the October 12, 2020 due date. Accordingly, on

October 14, 2020, a Notice of Case Action was issued to Petitioner, in part denying SDA based on a failure to provide requested information. (Exhibit A, pp. 47-52)

However, just before that denial, Petitioner submitted another application for SDA and food assistance on [REDACTED] [REDACTED] (Exhibit A, pp. 37-42) Accordingly, on October 14, 2020, a Verification Checklist was issued to Petitioner with an October 26, 2020 due date. The Department requested verifications regarding disability and residential address. (Exhibit A, pp. 58-60) On October 14, 2020, a first extension was also granted for providing the previously requested forms. The needed forms were re-printed and mailed to Petitioner. (Exhibit A, pp. 3 and 85; Hearing Facilitator Testimony) On October 22, 2020, Petitioner submitted a screen shot of an SSA application pending letter. (Exhibit A, p. 61) On October 26, 2020, a second extension was granted and the due date for providing the requested verifications was November 5, 2020. (Exhibit A, pp. 3 and 85; Hearing Facilitator Testimony) The Department did not receive the required verifications, or any other response to the request for verifications by the October 12, 2020 due date. Accordingly, on November 6, 2020, a Notice of Case Action was issued to Petitioner denying SDA based on a failure to provide requested information. (Exhibit A, pp. 62-65)

Petitioner testified that he turned in the rest of the needed proofs the Friday before Martin Luther King Day. (Petitioner Testimony) However, it appears that this related to a request for verifications for his more recent application for SDA as Martin Luther King Jr. Day was January 18, 2021.

Petitioner's mother testified that she assisted with faxing documentation to the Department and kept copies of the documents and the fax verifications. Her testimony indicated some of these faxes were prior to the last due date, November 5, 2020. (Mother Testimony)

Petitioner's friend testified that anything she helped Petitioner with was mailed or dropped off and they did not keep a copy. (Friend Testimony) Petitioner's friend testimony cannot be found credible. If Petitioner's friend had mailed and not kept copies of all of the documentation requested via the verification checklist, Petitioner would not have had copies of any of these documents to provide with the hearing request.

Petitioner's friend submitted a written statement that she assisted Petitioner by mailing documentation to the Department on or around October 25, 2020. All documentation requested via the verification checklist was submitted. (Exhibit 1, p. 1) Documentation submitted with this written statement contained mixed pages from multiple forms, correspondence from the Department, and portions of the Department's Hearing Summary packet. (Exhibit 1, pp. 2-45). For example, there are portions of an assistance application, verification checklists, hearing request with fax transmission verification, appointment notices, and other pages from the Department's Hearing Summary packet. (Exhibit 1, pp. 9-11, 13-14-15, 19-20, 22-26, 29-35, 37, and 39-42) Some of the pages appear to relate to Petitioner's more recent application, based on the date the Department generated them or the date of Petitioner's signature on them. These

documents are not relevant to the SDA denials at issue in this case. (Exhibit 1, pp. 38, and 43-44) Some of the pages did relate to the needed verifications relevant to this case. From the Medical-Social Questionnaire, there are some duplicates, but it appears that at least one page of this form is missing. Petitioner's signature on this form is dated October 12, 2020. (Exhibit 1, pp. 3-5, 8, 12, 16-17, and 21; See Exhibit A, pp. 20-26 for a full copy of this form) From the Work History Questionnaire, again only a portion of this form was submitted. Petitioner's signature on this form is dated October 17, 2020. (Exhibit 1, pp. 2, 18, and 45; See also Exhibit A, pp. 14-19 for a full copy of this form) Completed Authorization to Release Protected Health Information and Reimbursement Authorization forms were included. Petitioner's signature on these forms is dated October 17, 2020. (Exhibit 1, pp. 6-7, 27-28, and 36)

The second documentation packet Petitioner submitted similarly contained mixed pages from multiple forms, correspondence from the Department, and portions of the Department's Hearing Summary packet. (Exhibit 2, pp. 1-35). For example, there are portions of an assistance application, verification checklists, appointment notices, and other pages from the Department's Hearing Summary packet. (Exhibit 2, pp. 2-3, 5-10, 13-18, 20-22, 25-27, and 29-31) There are portions of the Medical-Social Questionnaire form signed by Petitioner on October 12, 2020. (Exhibit 2, pp. 19, 24, 28, and 33-34) There are portions of the Work History Questionnaire form signed by Petitioner on October 17, 2020. (Exhibit 2, pp. 1 and 23) There is another copy of the complete Authorization to Release Protected Health Information signed by Petitioner October 17, 2020. (Exhibit 2, pp. 4, 12, and 32) Additionally, it appears that a copy of a screen shot was included, however, the majority of the page is a black square. (Exhibit 2, p. 11) However, it appears to be another copy of the screen shot of an SSA application pending letter Petitioner submitted on October 22, 2020. (Exhibit A, p. 61)


Overall, Petitioner has not provided sufficient evidence to establish that all of the requested verifications were returned to the Department by the final due date, November 5, 2020. Between the two verification checklists, the Department requested completion of several forms (medical-social questionnaire; release of information; work history questionnaire; reimbursement authorization; and proof of pending application or appeal with SSA) as well as verifications regarding disability and residential address. The evidence indicates the only verification Petitioner provided prior to the due date was the screen shot of an SSA application pending letter. (Exhibit A, p. 61) Some of the required forms were dated as signed by Petitioner prior to the final due date. However, it appears that they were not actually submitted to the Department prior to the final due date. If they had been mailed in or dropped off without a copy being kept, as Petitioner's friend testified, Petitioner would not have been copies of these forms to submit with the hearing request or as Petitioner's evidence for this hearing. The Department properly followed the above cited BAM 130 policy to request the needed verifications. As medical assistance was applied for along with SDA on the [REDACTED] application, the Department granted the two extensions allowed by the policy. Accordingly, the Department denied Petitioner's SDA applications when the requested verifications were not provided by the final due date.

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 [REDACTED] and [REDACTED] applications for State Disability Assistance (SDA) cash assistance.

DECISION AND ORDER

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

CL/ml



Colleen Lack
Administrative Law Judge
for Elizabeth Hertel, 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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

Lori Aumick
Genesee (Clio Rd) County DHHS – via
electronic mail

BSC2 – via electronic mail

L. Karadsheh – via electronic mail

Petitioner

██████████ – via first class mail
██████████
██████ MI ████████

Authorized Hearing Rep.

██████████ – via first class mail
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