

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2008-24959
Issue No: 2014; 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 1, 2009
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on July 1, 2009.

ISSUES

- (1) Was the claimant's FAP application properly denied or cut off for a failure to return required verifications?
- (2) Was the claimant's Medicaid application properly denied or cut off for a failure to return verifications?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) Claimant was up for redetermination for her Medicaid/AMP case in March, 2008.
- (2) Claimant was requested to return verifications of employment.
- (3) Claimant was not employed at the time.

(4) Claimant returned a W-2 proving income for the previous year; this was deemed insufficient.

(5) Claimant was never sent a negative action notice; the cut-off's were processed as a denied application.

(6) The Department representative was unsure as to what programs claimant had been cut off from and the hearing packet contained no evidence but a DHS-3503.

(7) On 6-12-08, claimant requested a hearing.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

A DHS-1171, Assistance Application must be completed when eligibility is re-determined. PAM 210. An application is considered incomplete until it contains enough

information to determine eligibility. PAM 115. Eligibility is determined through a claimant's verbal and written statements; however, verification is required to establish the accuracy of a claimant's verbal and written statements. Verification must be obtained when required by policy, or when information regarding an eligibility factor is incomplete, inconsistent, or contradictory. An application that remains incomplete may be denied. PAM 130. All sources of income must be verified. PEM 500. For the purposes of FAP, an in-person interview is required, unless waived under certain circumstances. PAM 115.

In the current case, the Department denied the application because claimant allegedly did not return proper verifications.

However, the Department has not provided any evidence in support of their case, with the exception of a lone DHS-3503. This is not enough to prove a case; even case notes documenting the action would be better than what was presented. There has not even been a negative action notice, and the case, which, according to both Department and claimant testimony, should have been a cut-off, was processed as a denied application. The Administrative Law Judge admits that he is confused, at best, as to what exactly happened in the case, much of the belief that the Department came anywhere near meeting their burden of proof with regard to claimant's actions. The undersigned does not even have definitive proof as to what programs were cut off. For that reason, the undersigned reverses all negative actions with regard to the claimant's case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to cut off claimant's Medicaid/AMP was incorrect.

Accordingly, the Department's decision in the above-stated matter is, hereby,
REVERSED.

The Department is ORDERED to remove all negative actions upon claimant's case resulting from the above matter. Claimant's benefits should be restored retroactive to the date of negative action.

/s/

Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 19, 2009

Date Mailed: August 19, 2009

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

RJC/cv

cc:

