

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.: 2009-29180
Issue No.: 2006, 3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
August 17, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a hearing was conducted in Detroit, Michigan on August 17, 2009. The Claimant appeared and testified. [REDACTED], Eligibility Specialist, appeared for the Department.

ISSUE

Whether the Department properly closed the Claimant's FAP & MA case on 06/30/09 for failure to provide 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. The Claimant was a FAP & MA recipient.
2. A verification checklist was mailed to Claimant on 05/26/09 with a June 9, 2009 due date. (Department Exhibit 1, p. 3.)
3. Claimant did not complete the DHS 1171 Booklet within the deadline.

4. On June 17, 2009 a Notice of Case Action was sent to Claimant telling her that her Medicaid coverage will be cancelled. (Department Exhibit 1, p. 4.)
5. The Claimant's Medicaid benefits closed on 06/30/09 after Claimant did not respond to the May 26, 2009 request for verification.
6. No evidence of notice being sent to Claimant regarding her FAP benefits was presented at the hearing.
7. No record of FAP being closed was provided at the hearing.
8. Claimant testified that she was hospitalized on [REDACTED] and provided verifying medical records. (Claimant Exhibit 1, p.1)
9. Claimant testified that she was hospitalized on [REDACTED] and provided verifying medical records. (Claimant Exhibit 1, p.2)
10. Claimant testified that she was hospitalized from [REDACTED] to [REDACTED] and provided verifying medical records. (Claimant Exhibit 1, p.3)
11. Claimant testified that she was hospitalized from [REDACTED] to [REDACTED] . (Claimant Exhibit 1, p.4-8)
12. Claimant testified that she did not receive the verification checklist until June 29th when she was released from the hospital. Her mail was being held by a neighbor during her hospital stay.
13. Claimant testified that she was ill most of the time in May 2009 and June 2009.
14. Claimant testified that she suffers from lupus and blood clots associated with that condition.
15. Claimant testified that she received care from a home care team during this period and some of her medication required that she lay still.

16. On July 2, 2009, the Department received the Claimant's hearing request protesting the closure of the FAP and MA benefits on 06/30/09. (Department Exhibit 1, p.2)

CONCLUSIONS OF LAW

The Food Assistance Program, 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"), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental 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 (formerly known as the Family Independence Agency) 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).

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. PAM 130, p. 1. The questionable information might be from the client or a third party. Id. The Department can use documents, collateral contacts or home calls to verify information. Id. The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. PAM 130, p.4; PEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. PAM 130, p. 4. Before making an

eligibility determination, however, the department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. PAM 130, p. 6.

In the record presented, it is apparent that the Department mailed out Claimant's verification checklist and booklet for the review to the address on file. Claimant was hospitalized or ill for virtually the entire period when she should have been gathering the verification materials and when she could have requested an extension. Specifically, Claimant was hospitalized for a colostomy and esophagogastroduodenoscopy on June 9, 2009 the day the verifications were due. No evidence was presented that claimant refused to provide the information or that she did not make a reasonable effort. Therefore, this Administrative Law Judge finds that Claimant had good cause for not providing the verifications within the required deadlines and that a finding of noncooperation is not warranted. Further, this Administrative Law Judge finds that the Department failed to provide proof of notice for Claimant's FAP closure.

Accordingly, the Department's determination is REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that there was insufficient evidence presented to affirm the Department's actions.

Accordingly, it is ORDERED:

1. The Department's June 30, 2009 MA & FAP closure is REVERSED.
2. The Department shall reopen and reprocess Claimant's MA & FAP cases as of the date of closure 06/30/09.

3. The Department shall reimburse Claimant for any lost benefits he was otherwise eligible to receive in accordance with department policy.

/s/

Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/19/09

Date Mailed: 08/20/09

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 60 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.

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