

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: 2009-29941
Issue No: 2006; 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 19, 2009
Shiawassee County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 August 19, 2009. Claimant appeared and testified.

ISSUES

- (1) Did the Department of Human Services properly close Claimant's Medical Assistance (MA) case due to failure to provide income verification?
- (2) Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) case due to failure to provide income verification?

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 an ongoing recipient of Medical Assistance (MA) and Food Assistance Program (FAP) benefits. Claimant's cases were due for re-determination by May 31, 2009.
- (2) On April 17, 2009, Claimant was sent a Verification Checklist (DHS Form 3503) requesting all the required information and verifications for re-determination of her benefit cases.
- (3) On May 27, 2008, Claimant had still not provided the required income verification to re-determine her Medical Assistance (MA) case. Claimant's Medical Assistance (MA) case was closed.
- (4) On May 31, 2009, Claimant had still not provided the required income verification to re-determine her Food Assistance Program (FAP) case. Claimant Food Assistance Program (FAP) case was closed.
- (5) On July 9, 2009, Claimant submitted a request for hearing.
- (6) During this hearing Claimant repeatedly made demands for the Department to provide her automobile repairs. Claimant was repeatedly informed that there is no entitlement for Direct Support Services so there is no jurisdiction or authority for an Administrative Law Judge to review her concerns about automobile repairs.

CONCLUSIONS OF LAW

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).

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).

In this case, the Department closed Claimant's Medical Assistance (MA) and Food Assistance Program (FAP) case because Claimant failed to provide income verification. During the hearing Claimant did not dispute that a Verification of Employment (DHS Form 38) was not turned in prior to the case closing. Claimant asserted she had dropped off income information, on a page of notebook paper, before the case closed. Claimant testified she could not remember what day she did that or what time of day it was. Claimant's assertion that she provided income verification in a timely manner is not found credible.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly close Claimant's Medical Assistance (MA) and Food Assistance Program (FAP) cases due to her failure to provide income verification.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/


Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 19, 2009

Date Mailed: September 23, 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 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.

GFH 

cc:

