

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: 2009-30151
Issue No: 2009; 4031;6000;
and 5000

Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 26, 2010
St. Clair County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 telephone hearing was held on January 26, 2010, in Port Huron. Claimant personally appeared and testified under oath.

The department was represented by Sandy Harder (FIM).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly deny claimant's application for multiple benefits based on claimant's failure to verify eligibility, as requested?

FINDINGS OF FACT

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

(1) On June 1, 2009, claimant applied for FAP, MA-Primary Caretaker, MA-P, SDA, CDC and SER.

(2) On the date of application, both the claimant's minor children, [REDACTED], were in the physical custody of their grandmother. On the date of application, claimant's parental rights to both children were previously terminated by the Probate Court.

(3) The caseworker approved claimant for SER.

(4) MA-P/SDA was denied because claimant stated she was employable.

(5) FAP for claimant's minor children was denied because the minor children live with their grandmother.

(6) MA Primary Caretaker benefits for claimant's two minor children were denied because the children live with their grandmother.

(7) On June 1, 2009, the caseworker sent claimant an Application Eligibility Notice (1150) stating the reasons for the denial of each program.

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. 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).

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).

Under the department's Eligibility Manual (BEM), assets (400), income (500) and other eligibility factors must be established in order to receive benefits. In addition, any items bearing on eligibility, which the caseworker deems necessary, was subject to the departments verification requirements must be verified.

The department's BEM Item 210 states as follows:

Clients must take actions within their ability to obtain verifications.
The department's staff must assist when necessary. BAM 105.

The local office must assist clients who ask for help in completing forms or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, handicapped or not fluent in English. BAM Item 105.

The preponderance of the evidence in the record shows that claimant has not met her burden of proof to establish that she is eligible for the benefits she applied for. Therefore, she is not eligible for any of the benefits requested.

Based on a careful review of the entire record, the Administrative Law Judge concludes that the department did not act in arbitrary or capricious manner in denying the programs requested. Therefore, the agency's action in denying the programs requested is correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the agency correctly denied the applications requested by claimant on her application dated June 1, 2009.

Accordingly, the agency's action is, hereby, AFFIRMED.

SO ORDERED.

/s/ _____
Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 1, 2010

Date Mailed: March 2, 2010

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 mailing 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.

JWS/tg

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