

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.: 2009-31582

Issue No.: 3008

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

August 31, 2009

Wayne County DHS (41)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon 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 August 31, 2009 claimant was present and testified, [REDACTED] FIM and [REDACTED] FIS appeared for the department and testified.

ISSUE

Was the department correct in closing claimant's (FAP) and Medicaid benefits as of April 1, 2009 due to failure to provide requested verifications?

FINDINGS OF FACT

- (1) Claimant was a FAP recipient.
- (2) Department received notification from the Michigan Department of Treasury that claimant was working.
- (3) A new hire employment report was sent to claimant requesting employment information on March 6, 2009 with a March 16, 2009 due date. The address where the report was sent is not apparent on the report. No verification checklist was sent to the claimant.

- (4) Claimant testified that she did not receive the new hire employment report.
- (5) Claimant requested hearing on June 12, 2009 contesting closure of her MA and Fap benefits.
- (6) Claimant testified she was working 40 hours per week for [REDACTED] earning \$15 per hour. She worked 6-7 weeks during March and April 2009.
- (7) Several documents in Claimant's file had an incorrect mailing address.
- (8) Claimant testified that she notified her worker by voicemail and letter of her employment.
- (9) Claimant reapplied and is currently receiving benefits.

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 present case, This Administrative Law Judge finds that claimant's testimony that she did not receive the new hire employment report dated 3/06/2009 is credible. It should further be noted that claimant provided information regarding her employment when asked at the hearing and there was no evidence that claimant refused to provide the information requested. This Administrative Law Judge cannot find that claimant failed to cooperate and that the Department was in error for closing her benefits for non-cooperation.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department improperly closed Claimant's FAP and Medicaid benefits.

Accordingly, it is ORDERED:

1. The Department shall reinstate Claimant's MA and FAP benefits as of the date of closure and determine her eligibility.
2. The negative action of March 31, 2009 shall be removed

/s/

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

Date Signed: 09/03/09

Date Mailed: 09/03/09

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.

AM/jlg

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