

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: 2009-32533

Issue No: 2006, 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 7, 2009

Kent County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 October 7, 2009. Claimant appeared and testified. James Geisen, FIM, appeared on behalf of the department.

ISSUES

- (1) Did the Department properly deny the Medical Assistance (MA) Benefits for claimant's child because she was already active on another case?
- (2) Did the Department properly deny claimant's Medical Assistance (MA) and Food Assistance Program (FAP) application for 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) On April 30, 2009, claimant applied for MA and FAP benefits for a household of three persons.

- (2) One of the children is already eligible for benefits under another case.

(Department Exhibit 2)

(3) On May 14, 2009, the department issued a Notice of Case Action denying the MA application for one child because she is already eligible for this program under another case.

(Department Exhibit 1, pgs. 3-4)

(4) On May 14, 2009, the department also issued a Verification Checklist with a due date of May 26, 2009 for claimant to submit the requested proofs. (Department Exhibit 1, pgs. 1-2)

(5) Claimant testified he submitted the requested proofs to the department by placing the documents in a drop box at the local department office.

(6) On May 27, 2009, the department issued a Notice of Case Action denying the MA and FAP application for failure to provide verifications and again noting that the one child is not eligible for MA in this group because she is already eligible for this program under another case.

(Department Exhibit 1, pgs. 5-6)

(7) Claimant filed a hearing request on May 29, 2009 to contest the MA and FAP denials.

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).

Under PAM 105, clients must cooperate with the local office in determining initial and ongoing eligibility. The department is to request verification when required by policy, when required by local office option, or when information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. PAM 130. The department is to allow 10 days to provide the verification requested and a negative action notice is to be sent when the client indicates refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it. PAM 130. The department must also help clients who need and request assistance in obtaining verifications, and may extend the time limit, if necessary. PAM 130.

In the present case, claimant applied for MA and FAP benefits for a household of three persons on April 30, 2009. The department found that one child is already eligible under another case. (Department Exhibit 2) However, by claimant's application, the department had information regarding an eligibility factor for this child, i.e. where she lives and which parent she lives with, that was unclear, inconsistent, incomplete or contradictory. Under PAM 130 department should have requested verification of the custody and living arrangements for the child before denying the application.

The department did issue a verification checklist regarding the other household members on May 14, 2009, giving claimant until May 26, 2009 to submit the requested information. The department testified they did not receive any information by the due date and therefore denied the application. Claimant gave credible testimony that he went to the department office and submitted copies of the requested information in the drop box in envelopes provided by the person at the front desk. The department testified that there is no log book for claimants to sign at their office when paperwork is dropped off. At the hearing, claimant submitted copies of the documents he placed in the drop box as well as documents from 2003 regarding the custody and living arrangements of the child who is already eligible under another case. These documents include the children's birth certificates, copy of claimant's drivers license, August 2003 settlement letter, page one of an order regarding parenting time, and friend of the court recommendation and order regarding parenting time. (Claimant Exhibit 1, pgs. 1-11)

Based upon the foregoing facts and relevant law, it is found that the claimant made a reasonable effort to provide the requested verifications to the department and did not indicate a refusal to provide the verification. Claimant submitted documentation as requested on the Verification Checklist and had provided some documentation relating to the custody of the child who is eligible under another case. Accordingly, the department erred in denying the MA and FAP application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that department failed to request verification before denying the MA application for the child who is already eligible under another case when information regarding her custody and living arrangements were unclear, inconsistent, incomplete or contradictory and that the

claimant made reasonable efforts to provide the department with the verifications that were requested.

Accordingly, the department's FAP and MA eligibility determinations are REVERSED.

Therefore, it is ORDERED that the department reinstate claimant's April 30, 2009 MA and FAP application in accordance with this decision.

/s/

Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 13, 2009

Date Mailed: October 14, 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 mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the mailing date of the rehearing decision.

CL/cv

cc:

