

[REDACTED]

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.: 2009-4875
Issue No.: 2006/3008/4003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
February 17, 2009
Genesee County DHS [REDACTED]

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on February 17, 2009. The Claimant was represented by his authorized representative (AR) [REDACTED]

ISSUE

Did the Department properly deny the Claimant's Food Assistance (FAP), Medical Assistance (MA) and State Disability Assistance (SDA)?

FINDINGS OF FACT

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

1. On August 12, 2008, the Claimant applied for FAP and MA and SDA.
2. On September 22, 2008, the Department sent the Claimant a verification checklist requesting various items of information with a due date of October 2, 2008.

3. On October 2, 2008, the Claimant appeared for an interview with the Department, supplied it with some of the requested verifications and requested an extension and help in obtaining other documentation. The Department granted an extension to October 22, 2008.
4. The department failed to offer assistance to the claimant in obtaining his birth records.
5. On October 24, 2008, the Department denied the Claimant's FAP, MA and SDA for lack of verification.
6. On October 29, 2008, the Claimant filed a request for a hearing.

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 (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).

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 (formerly known as the Family Independence Agency) 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).

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) 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).

In the instant case, the Department requested various pieces of documentation.

At the hearing the Claimant's AR raised the issue of assistance in providing citizenship documentation and provided documentation of a specific directive involving birth records. (Claimant's exhibit 4). In this directive the Deputy Director Field Operations explains how access to the birth registry "will be valuable resources in assisting clients that do not have adequate verification of citizenship meet this eligibility requirement for FIP and Medicaid. In this case the Claimant had been adopted through [REDACTED].

Obtaining Verification

All Programs

Tell the client what verification is required, how to obtain it, and the due date (see "[Timeliness Standards](#)" in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification....

The client must obtain required verification, but you must assist if they need and request help.

If neither the client nor you can obtain verification despite a reasonable effort, use the best available information. If **no** evidence is available, use your best judgment. (PAM 130, p. 2-3).

Here, the requested verification involving the claimant's citizenship was the subject of the delay in providing same and of the request for the department's assistance. I find that the Department did not offer assistance to the Claimant contrary to the policy cited above.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to retroactively reinstate the Claimant's FAP, MA and SDA application and provide the assistance necessary to complete the verifications needed. The Department will replace any lost benefits if applicable.

/s/

Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 03/25/09

Date Mailed: 03/25/09

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.

MJB/jlg

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