

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: 2009-4885

Issue No: 2006-3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 19, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 March 19, 2009. Claimant's Representative [REDACTED] appeared and testified.

ISSUE

Did the Department properly close Claimant's for Medical Assistance (MA) and Food Assistance Program (FAP) case?

FINDINGS OF FACT

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

1. On August 15, 2008 the Department processed a review for the Claimant's FAP and MA case. At that time the Department became aware of some items which were unclear.

2. On August 26, 2008 the Department initiated an investigation and discovered the Claimant both owned property not disclosed as well as her husband's employer did not exist at the location provided.

3. Based upon the information received the Department initiated closure of the Claimant's case.

4. On November 17, 2008 the Claimant requested 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 (DHS) 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 the present case, the Claimant's FAP and MA case were up for review. During the review process the Department became aware of some inconsistencies in the Claimant's application. The Department referred the Claimant's case to a fee agent for

investigation. This investigation revealed the Claimant owned several cars not listed on the application as well as indicated a home purchase. The Claimant testified that items were not included on the application. The Claimant attempted to say the additional vehicles were in fact cars he had junked. However at the time of application this information was not provided nor upon negative action was this information shared. The Claimant's vehicles all had registrations current until February 2009. In addition the home discovered by the fee agent is the same purported home the Claimant is renting from another individual.

To further complicate matters the Claimant admitted the employment submitted was not in fact true. The Claimant admitted to lying regarding this employment. The pay checks submitted at review were not in fact true documents. The Claimant clearly lied during the review process and withheld information requested by the Department. Therefore the Claimant's testimony is given little to no weight since he has previously lied.

Relevant policy can be found in PAM Item 130, p.1-3:

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements.

Obtain verification when:

- Required by policy. PEM items specify which factors and under what circumstances verification is required.
- Required as a local office option. The requirement must be applied the same for every client. Local requirements may not be imposed for MA, TMA-Plus or AMP without prior approval from central office.
- Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party.

Verification is usually required at application/re-determination and for a reported change affecting eligibility or benefit level.

The Department properly determined the Claimant ineligible for benefits based upon third party information.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department acted according to policy with regards to Claimant's MA and FAP benefits.

Therefore, it is ORDERED that the Department's decision in this regard be and is hereby UPHELD.

/s/
Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 4/20/09

Date Mailed: 4/22/09

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 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 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.

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