

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: 2010-10875
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 27, 2010
Midland County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 27, 2010. Claimant personally appeared and testified.

ISSUE

Did the department correctly deny claimant's Medicaid (MA) and Food Assistance Program (FAP) application in November, 2009?

FINDINGS OF FACT

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

1. Claimant applied for MA and FAP on September 10, 2009, and stated during the interview that she and her husband Bruce have been separated for four years.
2. Claimant's caseworker located claimant's closed file with documents from claimant's previous receipt of assistance. This file contained several court documents showing

that claimant's husband is and has been in her home since the court became involved with the birth and adoption of a particular child, [REDACTED]. (Department's Exhibits 31-39).

3. Department also obtained information that claimant's Consumers bill was in her husband's name, and that the house she claimed he lived at was in her name according to WhitePages search. Claimant was being investigated by Office of Inspector General for possible Intentional Program Violation for the past receipt of assistance, due to the allegation that her husband was living with her and she did not report him in the home. (Department's Exhibits 21 and 17).

4. On November 2, 2009, department mailed the claimant a Verification Checklist requesting she provide various documentation, including proof of US Citizenship, identity, wages and residency for her husband. (Department's Exhibits 22-24).

5. The verifications were due by November 12, 2009, but claimant never provided information for her husband. Department denied claimant's MA and FAP application on November 13, 2009. Claimant left a telephone message on November 17, 2009 stating that her husband had sent in requested information. Caseworker checked reception return log but nothing was found, and denial of claimant's application was allowed to stand.

6. Claimant requested a hearing on November 20, 2009.

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).

Departmental policy states:

FOOD ASSISTANCE PROGRAM GROUP COMPOSITION

DEPARTMENT POLICY

You must determine who is included in the Food Assistance Program (FAP) group prior to evaluating the nonfinancial and financial eligibility of everyone in the group.

To establish FAP group composition determine:

1. Who lives together.
2. The relationship(s) of the people who live together.
3. Whether the people living together purchase and prepare food together or separately, and
4. Whether the person(s) resides in an eligible living situation. (See "LIVING SITUATIONS" in this item.)

PEM, Item 212, p. 1.

RELATIONSHIPS

The relationship(s) of the people who live together affects whether they must be included or excluded from the group. First determine

if they **must** be included in the group. If they are **not** mandatory group members, then determine if they purchase and prepare food together or separately. PEM, Item 212, p. 1.

Spouses who are legally married and live together **must** be in the same group. PEM, Item 212, p. 1.

Department presented persuasive evidence, court records and utility bills, to show that claimant's husband was residing with her. Claimant states that her Consumers bill was in her husband's name but he did not live there, however did not have much of a response to the fact that court documents pertaining to adoption of a child list her husband as living with her.

Departmental policy requires that the department sends a Verification Checklist giving clients 10 days to provide additional verification needed to determine eligibility for department's programs. PAM 130. Department did so in claimant's case. Claimant did not provide requested verification within the specified period of time.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly denied claimant's MA and FAP application in November, 2009.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 11, 2010

Date Mailed: February 22, 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.

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