

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010-22358
Issue No.: 2006/3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 1, 2010
Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on July 1, 2010. The claimant appeared and testified; Mary Reed also appeared and testified on behalf of Claimant. [REDACTED] appeared as Claimant's authorized hearing representative. On behalf of Department of Human Services (DHS), [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly failed to redetermine Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) benefits due to Claimant's purported failure to verify employment income.

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 was an ongoing FAP and MA recipient.
2. Claimant's FAP and MA benefit period was scheduled to end on 11/30/09.
3. DHS mailed Claimant a Redetermination (DHS-1010) on 10/14/09.
4. The DHS-1010 dated 10/14/09 requested Claimant's last 30 days of income.

5. Claimant timely returned two biweekly pay check stubs from his employment, a check dated 9/25/09 and a check dated 10/9/09.
6. DHS denied Claimant's MA and FAP benefit redetermination due to Claimant's alleged failure to verify employment income.
7. Claimant submitted a hearing request on 2/17/10 disputing the denial of redetermination for MA and FAP benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (formerly known as the Food Stamp 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: Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), References Forms and Publications Manual (RFF) and the Reference Tables Manual (RFT).

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

DHS must periodically redetermine an individual's eligibility for benefit programs. BAM 210 at 1. A complete redetermination is required at least every 12 months. *Id.* The redetermination process begins with the DHS mailing of a Redetermination (DHS-1010) the month prior to the end of the current benefit period. *Id.* at 4. Clients must complete and submit the DHS-1010 and necessary verifications for DHS to process the redetermination. *Id.* at 10. Verifications vary dependent on the programs being redetermined. Failure to submit the needed documents during the benefits period results in denial of the redetermination and case closure. *Id.*

In the present case, DHS contends that Claimant's redetermination for MA and FAP benefits was denied due to Claimant's failure to verify employment income. DHS conceded that Claimant verified two bi-weekly employment income amounts, one for 9/25/09 and the other for 10/9/09. The DHS-1010 directs clients to submit proof of "the last 30 days" of employment income. For non-child support income, the 30-day period used can begin up to 30 days before the interview date or the date the information was requested. BEM 505 at 4.

The date the information was requested would have been the mailing date of the DHS-1010, 10/14/09. The appropriate 30 day period where income verifications were needed would be 9/14/09-10/14/09. Claimant submitted all of the bi-weekly checks that he received for that period. It is found that DHS improperly failed to process Claimant's redetermination for FAP and MA benefits as Claimant submitted all necessary income verifications.

DECISION AND ORDER

The actions taken by DHS are REVERSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly failed to process Claimant's redetermination for FAP and MA benefits. It is ordered that DHS process Claimant's MA and FAP redetermination beginning with the benefit period date of 12/1/09.



Christian Gardocki
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 07/02/2010

Date Mailed: 07/02/2010

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 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 of the rehearing decision.

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