

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████
Claimant,

Reg No: 2010-3563
Issue No: 3008
Case No: ██████████
Load No: ██████████
Hearing Date:
November 25, 2009
St. Joseph County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 conducted from ██████████ on November 25, 2009.

ISSUE

Whether the Department properly denied Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) application based upon her failure to attend an interview and/or provide requested verification(s)?

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 August 28, 2009, Claimant applied for FAP and MA benefits.

(Exhibit 1)

(2) On an unknown date, the Department sent Claimant a Notice of Appointment with an appointment date of September 10, 2009.

(3) On September 8, 2009, Claimant received the Notice of Appointment and called and left a voicemail for her caseworker asking to reschedule it due to a work conflict.

(4) On September 10, 2009, the Department sent Claimant a Notice of Missed Interview which stated in pertinent part – “You recently missed your scheduled interview to apply for/redetermine Food Assistance benefits. It is now your responsibility to reschedule the interview before 09/01/09 or your application/redetermination will be denied. (Exhibit 2)

(5) On September 25, 2009, the Department sent Claimant an Application Notice informing her that she was not eligible for benefits. (Exhibit 3)

(6) Claimant called her caseworker several times in September and October 2009 without a return phone call. (Exhibit 4)

(7) On October 13, 2009, the Department received Claimant’s hearing request protesting the denial of her FAP and MA application.

CONCLUSIONS OF LAW

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. Departmental policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Bridges Reference Manual (BRM).

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

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105, p. 5 Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130, p.1 Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as local office option or information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. BAM 130, p.1 The Department uses documents, collateral contacts or home calls to verify information. BAM 130, p.1 A collateral contact is a direct contact with a person, organization or agency to verify information from the client. BAM 130, p. 2 When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130, p. 2

Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the verifications requested by the Department. BAM 130, p. 4 If the client cannot provide the verification despite a reasonable effort, the time limit should be

extended no more than once. BAM 130, p. 4 A negative action notice should be sent when the client indicates a refusal to provide the verification or the time period provided has lapsed and the client has not made a reasonable effort to provide it. BAM 130, p.4

In the instant case, the Department witness did not have personal knowledge of this case and the Department did not provide any documents in support of its position at hearing. Claimant testified very credibly that she received the Notice of Appointment two days before her scheduled appointment and called and left a voicemail for her caseworker asking to reschedule it due to a work conflict. She then called her caseworker several times thereafter without a return phone call. The Department supplied several documents after the hearing, but did not offer the Notice of Appointment.

With the above said, based on the testimony and documentation offered at hearing, I do not find that the Department established that it acted in accordance with policy in denying Claimant's FAP and MA application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, does not find that the Department acted in accordance with policy in denying Claimant's FAP and MA application. Accordingly, the Department's FAP and MA eligibility determination is REVERSED, it is SO ORDERED. The Department shall:

- (1) Request any necessary information to process Claimant's FAP and MA application and then process it from her original August 28, 2009 application date.
- (2) Issue Claimant supplemental benefits she is entitled to, if any.
- (3) Notify Claimant in writing of the Department's revised determination.

(4) Claimant retains the right to request a hearing if she would like to contest the Department's revised determination.

/s/

Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 7, 2009

Date Mailed: December 8, 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 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.

SMB/db

cc:

A large black rectangular redaction box covering several lines of text in the distribution list.