

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: 2010-1416

Issue No: 2006, 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

November 5, 2009

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 November 5, 2009. Claimant was present and testified. Terri Steiner, appeared on behalf of the department.

ISSUE

Did the Department of Human Services (department) properly deny claimant's Medical Assistance (MA) and Food Assistance Program (FAP) application for failure to provide requested verifications?

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 benefits on August 31, 2009.

(2) On August 31, 2009, the department issued a Verification Checklist for claimant to provide additional information by September 10, 2009. (Exhibit 1, pg. 1)

(3) On September 9, 2009, the department testified it had received all of the requested verifications from the claimant except for proof of the pension.

(4) Claimant testified she thought she included all requested verifications, including proof of the pension, in the packet she turned in on September 9, 2009.

(5) On September 19, 2009 the department denied the MA and FAP application for failure to provide all requested verifications. (Department Exhibit 2)

(6) Claimant filed a hearing request to contest the MA and FAP determination on September 28, 2009, attaching a copy of the needed pension verification.

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

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

Under BAM 105, clients must cooperate with the local office in determining initial and ongoing eligibility. Clients must also report changes in circumstance that potentially affect eligibility or benefit amount within 10 days of receiving the first payment reflecting the change. BAM 105. The department is to request verification when required by policy, when required by local office option, or when information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. BAM 130. The department is to allow at least 10 days to provide the verification requested. BAM 105. A negative action notice is to be sent when the client indicates refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130. The department must also help clients who need and request assistance in obtaining verifications, and may extend the time limit, if necessary. BAM 130.

In the present case, claimant applied for MA and FAP benefits on August 31, 2009. On August 31, 2009, department issued a verification checklist for claimant to provided additional information with a due date of August 10, 2009. (Department Exhibit 1, pg. 1) The department testified that the verifications were received on September 9, 2009, however the requested proof of pension was not included. Therefore, the MA and FAP application was denied on September 19, 2009.

Claimant testified that she thought she included all the requested verifications in the packet she submitted on September 9, 2009, including the proof of pension. Claimant did provide the needed proof of pension with the hearing request she filed on September 28, 2009.

Based upon the foregoing facts and relevant law, it is found that the claimant did not refuse to provide verifications or had not made a reasonable effort to provide information to the department. It appears claimant inadvertently left one document out of the packet she submitted

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on September 9, 2009. The department has since received the needed verifications as they were submitted with the hearing request.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant did not refuse to provide verifications or had not made a reasonable effort to provide information to the department

Accordingly, the department's determination is REVERSED. Therefore, it is ORDERED that the department reinstate claimant's August 31, 2009 MA and FAP application in accordance with this decision.

/s/ _____
Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 13, 2009

Date Mailed: November 14, 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 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 mailing date of the rehearing decision.

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cc:

[REDACTED]