

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.: 201036680
Issue No.: 2018; 3025
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 29, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne VanderHeide

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 hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on July 29, 2010. The Claimant appeared and testified. Claimant was represented by [REDACTED] at the hearing. [REDACTED], ES appeared on behalf of the Department.

ISSUE

- Whether the Department properly denied the Claimant Medical Assistance ("MA") benefits based on failure to return verifications effective 4/26/10?
2. Whether the Department properly denied the Claimant's Food Assistance Program ("FAP") benefits?

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 benefits on 4/9/10 through the hospital.
2. On 4/12/10, the Department sent Claimant a verification checklist asking for current bank statements for all savings, checking and money market accounts. (Exhibit 2).
3. Claimant testified that the verification checklist provided by the Department was addressed to his current address.

4. Claimant testified that he was unsure how to answer the verification checklist and the intake worker at [REDACTED] indicated that she was taking care of the verifications.
5. Claimant's representative testified that she tried to call the Department in order to see what was needed the process the applications about 30 days after the application was filed.
6. The Department testified that they never received the verifications requested.
7. Claimant also applied for FAP benefits at the Hamtramk office.
8. The Department indicated that FAP benefits were denied because Claimant failed the identity requirements.
9. The Department acknowledged that Claimant was receiving SSI and would, therefore, meet the identity requirements.
10. On April 30, 2010, the Department received Claimant's hearing request contesting the FAP and MA denials.

CONCLUSIONS OF LAW

A. FAP

The Food Assistance Program, 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"), formally known as the Family Independence Agency, 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 Reference Tables ("RFT").

A person must be a U.S. citizen or have an acceptable alien status for the designated programs. Persons who do not meet this requirement, or who refuse to indicate their status, are disqualified. BEM 225, p. 1. A qualified alien includes a permanent resident alien who meets the Social Security Credits (SSC) requirement. BEM 225, p. 7.

In the present case, the Claimant receives RSDI and would, therefore, qualify as a permanent resident alien who meets the social security credits requirement. It is, therefore, unclear from the evidence why Claimant's FAP application was denied. Based on the evidence presented at the hearing, the undersigned finds that the Department improperly denied FAP benefits. Based upon the foregoing facts and relevant law, it is found that the Department's FAP denial is REVERSED.

B. MA

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, formally 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 (“RFT”).

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The questionable information might be from the client or a third party. Id. The Department can use documents, collateral contacts or home calls to verify information. Id. The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. BAM 130, p.4; BEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130, p. 4. Before making an eligibility determination, however, the department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. BAM 130, p. 6.

In the subject case, the Claimant’s representative testified that Claimant received the verification checklist but relied upon [REDACTED] to comply with the verification request. Claimant’s representative testified that she was unclear about what to provide. While Claimant could have been given additional time to respond to the request, the evidence reveals that Claimant did not call to question about the verifications until after the verifications were due. It is unfortunate that the Department did not follow up in this case to obtain the verifications as it was apparent that Claimant was being assisted by [REDACTED]. However, the Administrative Law Judge does not find that the Department did anything improper. The Claimant was encouraged to reapply for MA benefits including retroactive benefits to April, 2010.

Based upon the foregoing facts and relevant law, it is found that the Department’s determination to deny Claimant MA benefits based on a failure to provide verifications is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly denied the Claimant MA benefits for failure to provide verifications effective 4/26/10. Accordingly, the Department’s MA denial is AFFIRMED.

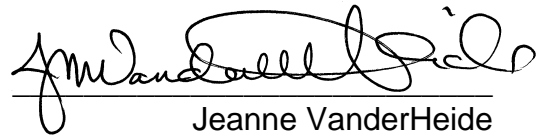
Furthermore, the Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department improperly denied the Claimant’s FAP benefits.

Accordingly, it is Ordered that

1. The Department’s FAP denial is REVERSED.

201036680/JV

2. The Department shall reopen and reprocess the Claimant's FAP case as of the date of closure.
3. If the Department finds that Claimant is otherwise eligible for FAP benefits, the Department shall supplement Claimant with any lost benefits he was otherwise entitled to receive from the date of application forward.



Jeanne VanderHeide
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: July 30, 2010

Date Mailed: July 30, 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.

JV/hw

cc:

