

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.: 201038002
Issue No.: 2014; 3019
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 29, 2010
Oakland 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 a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on July 29, 2010. The Claimant appeared and testified. [REDACTED] interpreted for the Claimant. [REDACTED], FIM and [REDACTED], ES, appeared for the Department.

ISSUE

Whether the Department properly denied the Claimant Food Assistance Program ("FAP") and Medicaid Assistance ("MA") benefits based on failure to return verifications of stopped unemployment income effective 5/25/10?

FINDINGS OF FACT

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

1. The Claimant applied for MA and FAP benefits on 4/16/10.
2. In Claimant's application, he reported that he was receiving unemployment compensation benefits in the amount of \$350.00 per week scheduled to end soon; RSDI benefits in the amount of \$855 per month for Claimant and \$621 per month for Claimant's spouse and children; and earned income of \$660.00 per month. (Exhibit 2, p. 1-4).

3. The Department was unable to verify the unemployment compensation benefits terminating as the benefits were issued from Virginia.
4. On 4/16/10 the Department sent Claimant a verification checklist.
5. The Claimant testified that his unemployment benefits ended at the end of April, 2010. Following an extension of the record, Claimant provided verification of same. (Exhibit 2, p. 16).
6. Claimant was approved on 5/27/10 for May and June 2010 for expedited FAP benefits.
7. On May 27, 2010 the Department sent Claimant a verification check list with a due date of 6/7/10. (Exhibit 1, p. 6).
8. The Department testified that Claimant submitted other verifications requested on April 28, 2010.
9. Claimant testified that his unemployment compensation of \$520.00 biweekly began again on 6/1/10.
10. The Department denied Claimant FAP and MA benefits on 5/14/10 for excess income. (Exhibit 2, p. 6).
11. On May 25, 2010, the Department received the Claimant's hearing request protesting the denial of the FAP and MA benefits.

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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. 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").

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the 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. Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. 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. The client must obtain required verification, but the Department must assist if the client needs and requests help. If neither the client nor the Department can obtain verification despite a reasonable effort, the best available information should be used. If no evidence is available, the Department should use its best judgment. BAM 130, p. 3.

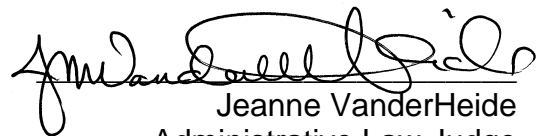
In the record presented, Claimant testified that he did not receive the verification request regarding proof of his unemployment benefits. However, the evidence shows that Claimant did receive the verification check list because a copy was returned with Claimant's checking account information and was date stamped by the Department when returned. The evidence also shows that the State of Virginia mailed out notice of Claimant's unemployment compensation benefits ending on 4/23/10. Claimant's other verifications were received by the Department on 4/28/10. Claimant could have contacted the Department and asked for additional time to submit this verification, yet he did not ask for more time or submit it until requested specifically by the Administrative Law Judge. Accordingly, based upon the foregoing facts and relevant law, it is found that the Department's denial of MA and FAP benefits for failure to provide verifications was proper. The Departments FAP and MA determinations effective 5/25/10 are 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's FAP and MA application for failure to timely submit verifications.

Accordingly it is Ordered that the Department's denial of FAP and MA benefits effective 5/25/10 is AFFIRMED.

/s/



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

201038002/JV

Date Signed: August 24, 2010

Date Mailed: August 24, 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:

