

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: 2010-40948  
Issue No: 2012; 3012  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
July 27, 2010  
Ionia County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 July 27, 2010. Claimant personally appeared and testified under oath.

The department was represented by Steve Speiser (FIM).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly decide to close claimant's Healthy Kids and FAP benefits because claimant failed to verify her eligibility for both programs by the due date, as required?

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 is a current Healthy Kids and FAP recipient (H=4).

(2) On May 31, 2010, claimant's Healthy Kids case was scheduled for an eligibility review.

(3) On April 30, 2010, the caseworker sent claimant a Healthy Kids Redetermination Notice Application (DHS-0034). The due date for returning the Health Kids Redetermination forms was May 17.

(4) The department sent the Healthy Kids Redetermination forms to claimant's last known address [REDACTED]. They were not returned by the [REDACTED].

(5) Claimant did not return the redetermination forms by the due date.

(6) The Bridges system sent claimant a Healthy Kids Closure Notice (DHS-1605) and closed claimant's Healthy Kids case.

(7) On June 21, 2010, claimant filed a hearing request. Based on claimant's timely hearing request, her Healthy Kids case was reopened.

(8) In May 2010, claimant was a FAP recipient (H=4).

(9) The department received information that claimant was working. The department was required to verify claimant's employment status based on the reports it received.

(10) On May 26, 2010, the department mailed FAP verification forms (DHS-4635) and DHS-4635A to claimant at her address of record. The due date for returning the FAP verifications was June 7, 2010.

(11) Claimant did not return the FAP verifications by the due date. The forms were not returned by the [REDACTED].

(12) On June 9, 2010, Bridges closed claimant's FAP case due to claimant's failure to verify claimant's eligibility.

(13) On June 21, 2010, claimant filed a timely hearing request, and Bridges reopened claimant's FAP case.

(14) Claimant did not lose any FAP or Healthy Kids benefits in May and June 2010.

(15) Claimant thinks that the proposed closures due to non-verification of eligibility are incorrect because she had mail delivery problems in May and June 2010.

### 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The following policies apply to the issues raised by claimant:

## **VERIFICATIONS**

### **All Programs**

All clients must take action within their ability to obtain verifications. DHS staff must assist when necessary. See PAM/BAM 130, PEM/BEM 720 and PAM/BAM 105.

Current department policy requires that FAP/Healthy Kids recipients cooperate with the local office in determining initial and ongoing eligibility for FAP/Healthy Kids.

This includes the completion of necessary forms, face-to-face meeting when requested, and verifying all income and assets. PAM/BAM 105.

The preponderance of the evidence in the record shows that claimant failed to verify her current eligibility for Healthy Kids and for FAP when requested by the department in May 2010.

Since claimant did not submit the required verifications by the due date, the caseworker correctly decided to close claimant's Healthy Kids and FAP benefits.

A careful review of the record reveals no evidence of arbitrary capricious action by the local office in processing claimant's Healthy Kids/FAP eligibility.

Therefore, the action taken by the department is correct.

## **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly requested verification of claimant's ongoing Healthy Kids and FAP eligibility May 2010. Furthermore, claimant failed to provide verifications to the department by the due date.

Therefore, the action taken by the department is, hereby, AFFIRMED.

SO ORDERED.

/s/ \_\_\_\_\_  
Jay W. Sexton  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: August 9, 2010

Date Mailed: August 10, 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 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.

JWS/tg

cc:

