

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: 201047828

Issue No: 2006, 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

September 14, 2010

Newaygo County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on August 3, 2010. After due notice, a telephone hearing was held on Tuesday, September 14, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) eligibility?

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 FAP and MA benefits on June 22, 2010. Department Exhibits 32 – 46.
2. On July 13, 2010, the Department sent the Claimant a Verification Checklist with a due date of July 23, 2010. Department Exhibit 21.
3. On July 21, 2010, the Department received a copy of the Claimant's checking and savings account statements. Department Exhibit 24 – 27.
4. On July 26, 2010, the Department denied the Claimant's FAP and MA applications for failure to submit information necessary to determine eligibility for benefits.

5. The Department received the Claimant's request for a hearing on August 3, 2010, protesting the denial of MA and FAP benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp 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), Reference Table Manual (RFT), 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), Reference Table Manual (RFT), 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 a 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.

Clients are allowed ten calendar days to provide the verifications requested by the Department. BAM 130, p. 4. The Department should send a negative action notice 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. The Department should extend the time limit no more than once if the client cannot provide the verification despite a reasonable effort. BAM 130, p. 4.

The Claimant applied for FAP and MA benefits on June 22, 2010. On July 13, 2010, the Department sent the Claimant a Verification Checklist with a due date of July 23, 2010. Among other things, the Department requested that the Claimant provide verification of her pension income. The Claimant was notified exactly what she should submit to verify her pension during a phone interview on July 13, 2010. On July 21, 2010, the Department received copies of the Claimant's checking and savings

account statements, which had been marked to show the Claimant's pension income being deposited into her account. When the Department had not received verification of the Claimant's pension by July 26, 2010, it denied the Claimant's FAP and MA applications.

The Claimant argued that she had destroyed all of the pension statements in her possession and would have to wait until the following payment before another one would be available. The Claimant argued that it was unfair for the Department to deny her benefits because she had missed a deadline to submit verification.

It is necessary for the Department to verify the Claimant's gross income to determine her eligibility for benefits. The Claimant's bank statements are insufficient to verify her pension income because these deposit records only show her net pension income.

The Claimant has not established that she was unable to obtain verification of her pension income or that she requested that the Department assist her to obtain these documents.

Based on the evidence and testimony available during the hearing, the Department has established that it acted in accordance with policy when it denied the Claimant's MA and FAP applications for failure to provide verification documentation necessary to determine her eligibility for benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's FAP and MA eligibility.

The Department's FAP and MA eligibility determination is AFFIRMED. It is SO ORDERED.

/s/ _____
Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 30, 2010

Date Mailed: October 1, 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 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.

KS/vc

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