

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.: 201048891

Issue No.: 3008

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date: September 16, 2010
Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 held on September 16, 2010. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], [REDACTED], appeared and testified.

ISSUE

Whether DHS properly denied Claimant's application for Medical Assistance (MA) and Food Assistance Program (FAP) benefits beginning 2/10/10 due to Claimant's alleged failure to submit income verifications.

FINDINGS OF FACT

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

1. Claimant applied for FAP and MA benefits on 2/10/10.
2. DHS requested verification of Claimant's income on 2/10/10.
3. Claimant was given until 2/22/10 to return the verification.
4. On 2/17/10, Claimant submitted her verification of income through a DHS drop-box and signed the drop-box log verifying her submission.

5. On an unspecified date, DHS denied Claimant's application for MA and FAP benefits due to Claimant's alleged failure to verify her income.
6. On 3/3/10, Claimant requested a hearing concerning the denial of her FAP and MA benefit application.

CONCLUSIONS OF LAW

The Food Assistance Program (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 (formerly known as the Family Independence Agency) 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 Reference Tables Manual (RFT).

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. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

DHS must verify all countable income at application. BEM 500 at 9. DHS must mail a Verification Checklist (DHS-3503) to clients to request needed verifications. BAM 130 at 3. For FAP and MA benefits, specialists are directed to allow the client 10 calendar days to provide requested verification. *Id* at 5. A negative action notice is sent when a client fails to timely verify information. *Id*. Only adequate notice (i.e. the action occurs immediately and is not pending) is required for an application denial. *Id*.

In the present case, DHS denied Claimant's 2/10/10 application for MA and FAP benefits due to Claimant's alleged failure to verify her income. Claimant contended that she submitted her income verification through the DHS office drop-box. Claimant further contended that the DHS drop-box log would verify her submission. The drop-box is a box located in the DHS lobby which allows clients to submit documents without having to see their assigned specialist. The drop-box log allows clients to sign their name when they drop off documents so there is some record of the submission.

Claimant credibly testified that she timely submitted the requested income verification. DHS checked their drop-box records from 2/2010 and discovered that Claimant signed the drop-box log on 2/17/10. Though the log does not definitively prove that Claimant verified her income on 2/17/10, it tends to show that Claimant probably did. In light of

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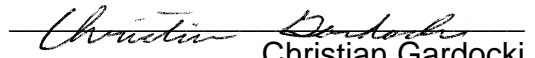
Claimant's credible testimony and supporting drop-box log record, it is found that Claimant submitted verification of her income on 2/17/10.

DHS gave Claimant until 2/22/10 to submit her income verification. Based on Claimant's 2/17/10 submission date, Claimant timely submitted the requested verification. Thus, DHS should not have denied Claimant's application for MA and FAP benefits due to a failure by Claimant to verify her income.

DECISION AND ORDER

The actions taken by DHS are REVERSED. The Administrative Law Judge, based upon the above findings of fact, conclusions of law and by settlement of the parties, finds that DHS improperly denied Claimant's 2/10/10 application for MA and FAP benefits. It is ordered that DHS is to re-register Claimant's 2/10/10 application for MA and FAP benefits and to process it in accordance with their policies.

/s/


Christian Gardocki
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: September 28, 2010

Date Mailed: September 28, 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.

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