

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: 2010588

Issue No: 3008

Case No:

[REDACTED]

Load No:

Hearing Date:

October 29, 2009

Genesee County DHS

ADMINISTRATIVE LAW JUDGE:

Steven M. Brown

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 conducted from [REDACTED] on October 29, 2009.

ISSUE

Whether the Department properly terminated Claimant's Medical Assistance (MA) and Food Assistance Program (FAP) benefits based upon her failure to provide requested verification(s)?

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 was a MA and FAP recipient.

(2) On June 18, 2009, the Department mailed Claimant a Notice of Case Action informing her that her MA benefits for [REDACTED] would be terminated effective June 30, 2009. (Exhibits 8-13)

(3) On June 30, 2009, the Department received Claimant's Semi-Annual Contact Report, but did not receive all necessary proofs. Claimant mistakenly sent 3 weekly paychecks instead of 4. (Exhibits 1-3)

(4) On July 10, 2009, the Department mailed Claimant a Notice of Potential Food Assistance (FAP) closure. (Exhibits 6-7)

(5) On September 24, 2009, the Department received Claimant's hearing request protesting the termination of her FAP and MA benefits. (Hearing Request)

CONCLUSIONS OF LAW

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. Departmental policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), 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) and the Bridges Reference Manual (BRM).

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by any agency action resulting in suspension, reduction, discontinuance, or termination of assistance. Any hearing request which protests a denial, reduction, or termination of benefits must be filed within 90 days of the mailing of the negative action notice. MAC R 400.902; MAC R 400.903; MAC R 400.904

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 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, p. 2

Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the verifications requested by the Department. 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. BAM 130, p.4

In the instant case, Claimant did not submit a timely request for a hearing on the termination of her MA benefits, therefore, the undersigned has no jurisdiction to hold a hearing and/or issue a Hearing Decision on this aspect of Claimant's appeal.

As to the termination of Claimant's FAP benefits, the Semi-Annual Contact Report states clearly – "You **must** complete this form, sign and date it, and return it to your specialist **with proof of income and expenses** by 07/01/09 or your Food Assistance case will close effective 07/31/09. **Answer all of the questions below (use additional paper if needed) and provide proof of income and any changes in your expenses. If you do NOT return this form and all required proofs, your benefits will be cancelled or reduced.....**You **must** include current proof of all income your household received for the past 30 days, e.g., pay check stubs, self-employment records, Child Support income, Unemployment records." Claimant did not submit the necessary income proofs to the Department.

With the above said, I find that the Department established that it acted in accordance with policy in terminating Claimant's FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with policy in terminating Claimant's FAP benefits. Accordingly, the Department's FAP eligibility determination is AFFIRMED, it is SO ORDERED.

The Administrative Law Judge does not have jurisdiction to hear Claimant's hearing request as to the Department's MA eligibility determination. Therefore, it is HEREBY DISMISSED, it is SO ORDERED.

/S/

Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 29, 2009

Date Mailed: October 30, 2009

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.

SMB/db

cc:

