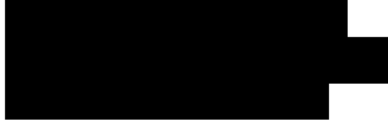


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2011-10974
Issue No.: 3008/2006
Case No.: [REDACTED]
Hearing Date: February 14, 2011
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 February 14, 2011. The claimant appeared and testified. On behalf of Department of Human Services (DHS), Sandra Kincaid, Specialist, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's application for Food Assistance Program (FAP) and Medical Assistance (MA) benefits due to Claimant's alleged failure to verify income.

FINDINGS OF FACT

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

1. On 10/6/10, Claimant applied for FAP and MA benefits.
2. At the time of Claimant's application, Claimant received income from Social Security Administration (SSA) under two separate claims.
3. Claimant listed her SSA income on her Assistance Application.
4. Claimant submitted verification of her income to DHS when she submitted her Assistance Application.
5. On 10/6/10, DHS mailed Claimant a Verification Checklist which requested verification of Claimant's pension/retirement income with a 10/18/10 due date for Claimant to verify the income.

6. Claimant did not submit any verification of income in response to the DHS mailed Verification Checklist
7. On an unspecified date, DHS denied Claimant's requests for FAP and MA benefits due to Claimant's alleged failure to verify her income.
8. On 11/15/10, Claimant requested a hearing disputing the denial of MA and FAP benefits.
9. DHS now concedes that they erred in not recognizing Claimant's originally submitted verifications of income as sufficient to verify Claimant's income.

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 (formerly known as the Family Independence Agency) administers the FAP program pursuant to CML 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 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 (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).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

A request for program benefits begins with the filing of a DHS-1171 or other acceptable form. BAM 110 at 1. Before processing an application for FAP benefits, DHS may require a client to verify information within their application. DHS must give clients at least ten days to submit verifications. *Id.* After the date passes for submission of verifications, DHS may send a negative action notice if the time period given has elapsed and the client has not made a reasonable effort to provide the information. BAM 130 at 5.

In the present case, Claimant was denied FAP and MA benefits due to an alleged failure to verify her income. Claimant's only income comes from Retirement, Survivors, Disability Insurance (RSDI). Claimant receives two separate RSDI payments, one for being disabled and one for being a survivor. Claimant submitted documents which verified both incomes with her Assistance Application. RSDI must be verified at application BEM 503 at 29.

DHS conceded that Claimant verified both RSDI incomes when she submitted her Assistance Application. DHS stated that Claimant may have listed one of her SSA incomes as a pension which would have caused DHS to believe that the income was from a source other than SSA; in other words, DHS thought Claimant received a pension (which was not verified) instead of SSA income (which was) leading to a request for the pension verification. However, DHS only provided this explanation in an attempt to explain why the denial occurred. DHS admitted that the denial of FAP and MA benefits was a DHS error and that Claimant's FAP and MA benefits should be reconsidered.

As Claimant submitted income verifications with her Assistance Application, DHS had no basis to request further verifications from Claimant. It is found that DHS improperly denied Claimant's application for FAP and MA benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application dated 10/6/10 for MA and FAP benefits. It is ordered that DHS register Claimant's FAP and MA benefits for 10/6/10 and that Claimant's eligibility for both programs be re-evaluated. DHS shall supplement Claimant for any benefits not received as a result of their error. The actions taken by DHS are REVERSED.



Christian Gardocki
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 2/17/2011

Date Mailed: 2/17/2011

201110974/CG

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.

CG/jlg

cc:

