

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.: 2011-13859
Issue No.: 2000/3000
Case No.: [REDACTED]
Hearing Date: February 28, 2011
Macomb County DHS (36)

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 28, 2011. The claimant appeared and testified; [REDACTED] appeared as Claimant's Authorized Hearing Representative (AHR). On behalf of Department of Human Services (DHS), [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's application dated 11/29/10 for Medical Assistance (MA) and Food Assistance Program (FAP) benefits due to a failure by Claimant 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. Claimant applied for MA and FAP benefits on 11/29/10.
2. On an unspecified date, DHS requested verification of Claimant's income.
3. On an unspecified date, Claimant submitted verification of her income to DHS.
4. On 12/20/10, DHS denied Claimant's application for MA and FAP benefits due to an alleged failure by Claimant to verify income.
5. On 1/3/11, Claimant requested a hearing disputing the denial of her application dated 11/29/10 requesting FAP and MA benefits.

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 (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.

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).

For all programs, DHS must request verifications when required by policy. BAM 130 at 1. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130 at 1. Verification is usually required at application or redetermination. *Id.* Countable income must be verified at application for MA and FAP benefits. BEM 500 at 9

DHS originally denied Claimant's application for FAP and MA benefits due to an alleged failure by Claimant to verify her income. DHS now admits that the denial was improper because Claimant timely verified her income. DHS agreed to reregister Claimant's application dated for 11/29/10 so that it may be evaluated for FAP and MA benefits. Claimant agreed to this proposed resolution. As the agreement appears to comply with DHS regulations, the undersigned supports the terms of the settlement reached between Claimant and DHS.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact, conclusions of law and by agreement of the parties, finds that DHS improperly denied Claimant's application dated 11/29/10 for MA and FAP benefits. It is ordered that DHS reregister

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Claimant's application for 11/29/10 and process it in accordance with DHS regulations. The actions taken by DHS are REVERSED.

Christian Gardocki

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

Date Signed: 3/1/2011

Date Mailed: 3/1/2011

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 of the rehearing decision.

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