

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2011-18008
Issue No: 2006, 3008
Case No: [REDACTED]
Hearing Date:
March 10, 2011
Washtenaw County DHS (20)

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

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 held on March 10, 2011. The claimant, [REDACTED] appeared and provided testimony.

ISSUE

Did the department properly deny Claimant's application for Food Assistance Program (FAP) benefits and Medical Assistance (MA) benefits for failure to return the required verifications?

FINDINGS OF FACT

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

1. On November 17, 2010, Claimant applied for FAP and MA benefits.
2. On December 14, 2010, the department mailed Claimant a Verification Checklist (DHS-3503), requesting that Claimant submit proof of her age and social security number by no later than December 27, 2010. The Verification Checklist was mailed to the address of the Washtenaw County DHS office as Claimant was homeless at the time and using the office address for her mail. (Department Exhibits 1-2).
3. On December 29, 2010, the department mailed Claimant a Notice of Case Action (DHS 1605), advising her that her application for FAP and MA

benefits had been denied for failure to provide the requested verifications. The Notice of Case Action was again mailed to the address of the Washtenaw County DHS office as Claimant was homeless at the time and using the office address for her mail. (Department Exhibits 3-4).

4. On January 7, 2011, Claimant requested a hearing contesting the department's denial of her application for FAP and MA benefits.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1)

Clients have the right to contest a department decision affecting eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

The Food Assistance Program (FAP) was established pursuant to 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 400.30001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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 Program Reference Manual (PRM).

Department policy indicates that clients must cooperate with the local office in determining initial and ongoing eligibility with all programs. BAM 105. This includes completion of the necessary forms. Clients who are able to but refuse to provide necessary information or take a required action are subject to penalties. BAM 105. Clients must take actions within their ability to obtain verifications. BAM 130; BEM 702. Likewise, DHS local office staff must assist clients who ask for help in completing forms or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or not fluent in English. BAM 105. Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. BAM 130.

The department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested verification. BAM 130. If the client is unable to provide the verification despite a reasonable effort, the department must extend the time limit at least once. BAM 130. For MA, the time limit is extended up to three times. BAM 130. Should the client indicate a refusal to provide a verification or, conversely, if the time period given has elapsed and the client has not made a reasonable effort to provide it, the department may send the client a negative action notice. BAM 130.

In the instant case, Claimant is disputing the department's denial of her application for FAP and MA benefits for failure to provide the requested verifications. At the hearing, the department representative admitted that the department improperly denied Claimant's application for both programs as Claimant was able to provide the requisite proof of her age (via her driver's license) at the time of her application and the department's eligibility specialist should have been able to verify Claimant's social security number. Thus, according to the department representative, Claimant should have been approved for FAP and MA benefits at the time of her application and remains eligible to receive them now.

Therefore, based on the material and substantial evidence presented during the hearing, the department improperly denied Claimant's application for FAP and MA benefits for failure to provide the requested verifications.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly denied Claimant's application for FAP and MA benefits for failure to return the required verifications. Accordingly, the department's determination is REVERSED and the department shall do the following:

1. Reinstatement of Claimant's FAP and MA benefits retroactive to the date of her November 17, 2010 application.
2. Issue Claimant supplemental benefits she is entitled to, if any.
3. Notify Claimant in writing of the department's revised determination.

SO ORDERED.

Suzanne

/s/

D. Sonneborn
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 18, 2011

Date Mailed: March 18, 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 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.

SS/alc

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