

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.: 201122289
Issue No.: 2006; 3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: March 24, 2011
DHS County: Wayne

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 24, 2011. Claimant appeared and testified. The Department of Human Services (Department or DHS) was represented by [REDACTED]

ISSUE

Was the Department correct in denying Claimant's Medical Assistance (MA) application and closing Claimant's Food Assistance Program (FAP) case for failing to cooperate with the Department?

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 applied for MA and was an ongoing FAP recipient.
2. Claimant's MA application was denied and Claimant's FAP case was closed on January 1, 2011, for failure to verify necessary information.
3. Claimant requested a hearing on February 10, 2011, contesting the negative action.

CONCLUSIONS OF LAW

FAP 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 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 Program Reference Manual (PRM.).

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in BAM, BEM, and PRM.

Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 105, 130. The questionable information might be from the client or a third party. *Id.* The Department can use documents, collateral contacts or home calls to verify information. *Id.* The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide the information should be extended at least once. BAM 130. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130.

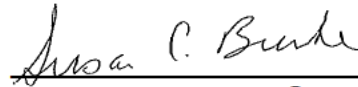
In the present case, the Department alleged that Claimant improperly submitted information upon a Verification of Income request from the Department. However, the Department failed to submit the alleged Verification of Income or the alleged improper response from Claimant to prove that Claimant was not cooperating with the Department. Further, Claimant testified credibly that she misunderstood the form and completed the form to the best of her knowledge. This Administrative Law Judge cannot find that Claimant failed to cooperate. Therefore, the Department was incorrect in denying Claimant's MA application and closing Claimant's FAP case. BAM 130.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's decision to deny Claimant's MA application and to close Claimant's FAP case for failing to cooperate was incorrect and, therefore, it is ORDERED that the Department's decision is REVERSED. It is further ORDERED that Claimant's MA application shall be reinstated and reprocessed, effective January 1, 2011, and Claimant's FAP case shall be reinstated and benefits restored, effective

201122289/SCB

January 1, 2011, if Claimant otherwise qualifies, and all missed benefits shall be made in the form of supplemental payments.



Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: April 13, 2011

Date Mailed: April 13, 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.

SCB/ hw

