

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.: 2011-2404
Issue Nos: 2006, 3008
Case No.: [REDACTED]
Hearing Date: January 26, 2011
DHS County: Oakland (63-02)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 January 26, 2011. Claimant appeared with her son, [REDACTED], and both testified. [REDACTED], appeared on behalf of the Department of Human Services (Department).

ISSUE

Was the Department correct in closing Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) benefits for failing to return 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. Claimant was an ongoing recipient of FAP and MA benefits.
2. A redetermination packet with notice of a March 8, 2010, interview was sent to Claimant on February 9, 2010.
3. Claimant did not appear on March 8, 2010, and a notice of missed interview was sent to her on that date.
4. On April 19, 2010, a notice of case action was sent to Claimant informing her that her MA and FAP would be closing effective May 1, 2010.
5. Claimant requested a hearing on May 17, 2010, contesting the closure of her MA and FAP benefits.

CONCLUSIONS OF LAW

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, formerly known as the Family Independence Agency, administers FAP 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 Program Reference Manual (PRM).

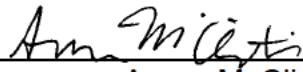
The MA program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in BAM, BEM and PRM.

Clients must cooperate with the local office in obtaining verification for determining initial and ongoing eligibility. BAM 130, p. 1. 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 should be extended at least once. BAM 130, p.4; BEM 702. 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, p. 4. Before making an eligibility determination, however, the Department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. BAM 130, p. 6.

In the present case, Claimant testified that she was hospitalized numerous times during the period of time in question. Department policy is very clear that claimants must cooperate in determining ongoing eligibility. BAM 130. Claimant presented no proof of her hospitalizations at the hearing. If Claimant wants to receive benefits, she needs to find a way to maintain contact with the Department. The Department was correct to close Claimant's FAP and MA cases because the required verifications were not submitted prior to the deadline without a reasonable excuse.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department was correct in the closure of Claimant's FAP and MA benefits, and it is ORDERED that the Department's decision is hereby AFFIRMED.



Aaron McClintic
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 31, 2011

Date Mailed: February 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 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.

AM/pf

cc:

