

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]
Troy, MI 48084

Reg. No: 2011-38629

[REDACTED]
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the DHS client's (also referred to as "Claimant") request for a hearing received on June 20, 2011. After due notice, a telephone hearing was held on August 23, 2011. Claimant personally appeared and provided testimony.

ISSUE

Did the department properly close Claimant's Food Assistance Program (FAP) benefits, Medicare Cost Share Program ("Medicare") benefits and Medicaid benefits for failure to timely 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. Claimant was receiving FAP, Medicaid and Medicare Cost Share benefits at all times pertinent to this hearing. (Hearing Summary).
2. On May 31, 2011, the department mailed Claimant a Verification Checklist (DHS-3503-C), and requested Claimant provide **all** of his wife's pay stubs from April and May, 2011. (Department Exhibits 2-3). The deadline to provide the verifications was June 10, 2011. (Department Exhibits 2-3).
3. Claimant did not send the department all requested paystubs from April and May, 2011 before the 10-day deadline.
4. On June 14, 2011, the department mailed Claimant a Notice of Case Action (DHS-1605), informing him that his FAP benefits, Medicare Cost Sharing benefits and Medicaid benefits are closed for failure to submit the

requested verifications. (Notice of Case Action, Department Exhibits 6-10).

5. On June 20, 2011, Claimant submitted a hearing request. (Request for a Hearing).

CONCLUSIONS OF LAW

The client has the right to request a hearing for any action, failure to act or undue delay by the department. BAM 105. The department provides an administrative hearing to review the decision and determine its appropriateness. BAM 600. The regulations that govern the hearing and appeal process for applicants and recipients of public assistance in Michigan are contained in the Michigan Administrative Code (Mich Admin Code) Rules 400.901 through 400.951. An opportunity for a hearing shall be granted to a recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. Mich Admin Code 400.903(1). The issue in the instant case concerns the following programs: Food Assistance, Medicaid and Medicare.

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 (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. The department's 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 was 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 for the MA programs are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), the Bridges Reference Manual (BRM), and the Reference Tables Manual (RFT). The MA program is also referred to as "Medicaid." BEM 105. The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. BEM 105.

Medicare is a federal health insurance program administered by the Social Security Administration (SSA). BAM 810. Medicare has three parts: Part A, hospital insurance (HI), and Part B, supplementary medical insurance (SMI), Part D, prescription drug coverage. BAM 810. A person receiving Medicare may have to pay a monthly premium for his Medicare. BAM 810. A person is also responsible for some of the cost of Medicare-covered services. BAM 810. These costs are called coinsurances and deductibles. BAM 810. Medicaid coverage includes Medicare cost-sharing benefits. BAM 810. This means Medicaid pays Medicare Part B premiums or Part A and B premiums, coinsurances and deductibles for certain Medicaid recipients. BAM 810. A person who can receive Medicare Part A free of charge is encouraged to apply for it. The Department of Community Health (DCH) administers the Buy-In programs. BAM 810.

Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. BAM 130. Clients must take actions within their ability to obtain verifications and DHS staff must assist when necessary. BAM 105. Specifically, the local office must assist clients who ask for help in completing forms or gathering verifications. BAM 105 and 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. 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. Verifications are considered timely if received by the date they are due. BAM 130.

In the instant case, Claimant is disputing the department's termination of his FAP, Medicaid and Medicare Cost Share Program benefits for failure to timely provide a Verification Checklist (DHS-3050). The DHS-3050 form specifically indicated, no later than June 10, 2011, "[p]lease provide all paystubs for Donna (Claimant's spouse) from April and May 2011." (Department Exhibit 2). The department workers who testified at the hearing stated that Claimant did not provide all requested paystubs. Claimant, on the other hand, testified that he sent everything to his caseworker. Claimant further submitted documents at the hearing in this matter which purportedly demonstrated his timely compliance with the DHS-3050 verification requests. The following is a non-exhaustive list of Claimant's exhibits: correspondence from Claimant to the City of Troy, a letter from Oakland County addressed to "Oakland County Resident," a City of Troy water/sewer bill, a copy of Claimant's savings account, Claimant's unemployment benefit information, a City of Troy Tax bill Winter 2010, and paystubs from his spouse from March 21, 2011 to March 27, 2011 and March 28, 2011 and April 3, 2011. However, there is no evidence that Claimant timely provided the department with all requested paystubs from April and May, 2011. After a review of the testimony and the record in this matter, this Administrative Law Judge finds that Claimant did not submit the required verification forms and related documents within the 10 day deadline.

Therefore, this Administrative Law Judge finds, based on the material and substantial evidence presented during the hearing, that the department properly closed Claimant's FAP, Medicaid and Medicare Cost Share benefits for failure to timely submit the verification information and related documentation.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly closed Claimant's FAP, Medicaid and Medicare Cost Share benefits for failure to timely turn in the requested verifications.

Accordingly, the department's action is AFFIRMED.

2011-38629/CAP

It is SO ORDERED.

/s/

C. Adam Purnell
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 9/8/11

Date Mailed: 9/8/11

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.

CAP/ds

