

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.: 2011-4733
Issue No.: 2018/3019
Case No.: [REDACTED]
Hearing Date: January 24, 2011
Macomb County DHS (36)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 hearing was held in Sterling Heights, Michigan on Monday, January 24, 2011. The Claimant's spouse, [REDACTED], appeared and testified. The Claimant was represented by [REDACTED]. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly terminated the Claimant's Food Assistance ("FAP") and Medical Assistance ("MA") benefits based on a failure to verify information necessary to determine eligibility?

FINDINGS OF FACT

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

1. The Claimant was a FAP and MA recipient.
2. In July 2010, the Department, as required, reviewed the Claimant's continued eligibility for benefits.
3. On June 30, 2010, the Department received the Verification of Employment (DHS 38) which showed the spouse's weekly gross earnings of \$280.00. (Exhibit 1)
4. The Claimant's monthly mortgage payment in June 2010 was \$1,135.00. (Exhibit 2)

5. The Claimant's case was referred to FEE because the household expenses exceeded household income.
6. On September 23, 2010, the Department issued a Notice of Case Action informing the Claimant that the FAP and MA benefits were scheduled for closure due to the failure to verify information necessary to determine eligibility. (Exhibit 5)
7. On October 27, 2010, the Department received the Claimant's written request for hearing. (Exhibit 4)

CONCLUSIONS OF LAW

The Food Assistance Program, 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"), formerly known as the Family Independence Agency, administers the FAP program 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 Bridges Reference Manual ("BRM").

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the DHS pursuant to MCL 400.10 *et seq* and MCL 400.105. Department policies are found in the BAM, BEM, and BRM.

All countable earned and unearned income available to the client must be considered in determining the Claimant's eligibility for program benefits. BEM 500 Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105 Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130 Client's are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. BAM 130 Verifications are considered timely if received by the due date. BAM 130

In this case, the Claimant's case was referred for investigation because the household expenses exceeded the household's income. As a result of the referral, the Department terminated the Claimant's MA and FAP benefits. Policy does not provide for the termination of benefits when a case is being investigated. There was no evidence that the Claimant had refused to cooperate or had refused to submit the requested verifications. In light of the foregoing, it is found that the Department's determination to terminate benefits is not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the Department's termination of FAP and MA benefits is not upheld.

Accordingly, it is ORDERED:

1. The Department's termination of FAP and MA benefits is not upheld.
2. The Department shall reopen/reactivate the Claimant's FAP and MA benefits from the date of closure in accordance with department policy.
3. The Department shall supplement for lost benefits that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 1/27/2011

Date Mailed: 1/27/2011

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.

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cc:

