

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-23227  
Issue No.: 2013; 3015; 4013  
Case No. [REDACTED]  
Hearing Date:  
April 7, 2011  
Oakland County DHS

**ADMINISTRATIVE LAW JUDGE:** Michael J. Bennane

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on April 7, 2011. The Claimant appeared and testified.

**ISSUE**

Did the Department properly deny the claimant's State Disability Assistance (SDA), Food Assistance Program (FAP), and Medical Assistance (MA)?

**FINDINGS OF FACT**

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

1. On [REDACTED], the claimant applied for FIP, FAP and MA.
2. On [REDACTED], the department sent the claimant a verification check list requesting documentation of the claimant's income.
3. On [REDACTED], the department denied the claimant's application for SDA, FAP and MA.

4. On [REDACTED], the claimant filed a request for a hearing.

### **CONCLUSIONS OF LAW**

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, et seq., and MAC R 400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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 (formerly known as the Family Independence Agency) administers the FAP program pursuant to MCL 400.10, et seq., and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the instant case, the department denied the claimant's FIP, FAP, and MA for excess income and failure to supply the department with income verification.

#### **Obtaining Verification**

##### **All Programs**

Tell the client what verification is required, how to obtain it, and the due date (see "[Timeliness Standards](#)" in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification.

Use the DHS-3503C, Verification Checklist for Citizenship/Identity to request documentation of citizenship or identity for FIP, SDA, and Medicaid determinations.

The client must obtain required verification, but you must assist if they need and request help.

If neither the client nor you can obtain verification despite a reasonable effort, use the best available information. If **no** evidence is available, use your best judgment. (BAM 130, p. 2-3).

The claimant provided the department with income information for [REDACTED], the claimant's husband. The department found this information inadequate because it had found a listing for a "beauty center" named [REDACTED]. The department used this internet information and imputed the claimant with income from the annual sales (estimated) from the same web site.

The claimant testified that although the above "beauty center" had, in fact, been her business, it had been closed for approximately ten (10) years and that she was now handicapped.

According to the above policy the department was supposed to not only attempt to aid the claimant in her attempt to get income information from her employer, but, in the event, that effort was not successful to use the best information available. Here, the department utilized information gleaned from an internet web site even though it conflicted with the information supplied by the claimant.

This ALJ finds the department's use of the internet information too attenuated on which to base its denial. In addition, I find that a language barrier may well have added to the confusion evident to this ALJ at the hearing.

### **DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, **REVERSES AND OREDERS** the department to reregister the claimant's SDA, MA and FAP application back to [REDACTED], and replace any lost benefits if applicable.



Michael J. Bennane  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: June 2, 2011

Date Mailed: June 2, 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 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.

MJB/hw

cc:

