

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201144360  
Issue No.: 2000; 3008  
Case No.: [REDACTED]  
Hearing Date: August 18, 2011  
SSPC East (98)

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

**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 telephone hearing was held on August 18, 2011 from Detroit, Michigan. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], [REDACTED], Manager, and [REDACTED], Manager, appeared and testified.

**ISSUES**

- (1) Whether DHS properly failed to acknowledge an application allegedly filed by Claimant concerning Medical Assistance (MA) benefits.
- (2) Whether DHS properly terminated Claimant's Food Assistance Program (FAP) benefits due to Claimant's failure to return income verifications.

**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 an unspecified date, Claimant applied online for FAP benefits.
2. On an unspecified date, DHS approved Claimant for expedited FAP benefits.
3. On 6/14/11, DHS mailed a Verification Checklist (Exhibit 2) to Claimant requesting verification of gift income by a 6/24/11 due date.

4. On 6/15/11, DHS mailed a second Verification Checklist (see Exhibit 1) to Claimant, this one requesting verification of self-employment income by an unspecified due date.
5. Claimant failed to return the gift income and self-employment income verifications to DHS.
6. On 7/8/11, DHS initiated termination of Claimant's FAP benefits effective 8/2011 due to the failure to verify income.
7. On 7/18/11, Claimant requested a hearing to dispute the termination of FAP benefits and an alleged failure by DHS to recognize an application for MA benefits.

### **CONCLUSIONS OF LAW**

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). DHS administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The Food Assistance Program (formerly known as the Food Stamp 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). DHS administers the FAP pursuant to Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001-3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). Updates to DHS regulations are found in the Bridges Policy Bulletin (BPB).

The undersigned will refer to the DHS regulations in effect as of 7/2011, the month of the DHS decision which Claimant is disputing. Current DHS manuals may be found online at the following URL: <http://www.mfia.state.mi.us/olmweb/ex/html/>.

BAM 600 lists the circumstances in which an administrative hearing may be granted. The circumstances are: denial of an application and/or supplemental payments, reduction in the amount of program benefits or service, suspension or termination of program benefits or service restrictions under which benefits or services are provided or delay of any action beyond standards of promptness. BAM 600 at 3.

Claimant contended that he applied online for MA benefits and that DHS failed to recognize his application concerning MA benefits. DHS responded that clients are not

capable of applying for MA benefits online, therefore, it is impossible that Claimant applied for MA benefits online.

A DHS witness credibly testified that DHS has a specific process which allows for the electronic submission of applications. DHS stated this process specifically limits clients to apply for FAP benefits or State Emergency Relief. The DHS witness stated there is no online process for the electronic submission of an MA benefit application.

Claimant stated he was 100% certain that he applied online for MA benefits. The undersigned does not doubt Claimant's sincerity but doubts the correctness of his testimony. DHS provided testimony that online applications are available for clients to apply for MA benefits, however, such applications must be printed and submitted to a local DHS office. Based on the presented evidence, it is likely that Claimant thought he was applying for MA benefits but did not do so. It is found that DHS properly failed to take any actions concerning MA benefits for Claimant because no application was ever submitted by Claimant concerning MA benefits.

A request for program benefits begins with the filing of a DHS-1171 or other acceptable form. BAM 110 at 1. Before processing an application, DHS may require a client to verify information within their application. Verification is usually required at application. BAM 130 at 1. DHS must give clients at least ten days to submit verifications. *Id.* Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. *Id.* DHS must tell the client what verification is required, how to obtain it, and the due date. *Id.* at 2. DHS is to use the DHS-3503, Verification Checklist to request verification. *Id.* at 3.

If the group is ineligible or refuses to cooperate in the application process, DHS is to certify the denial within the standard of promptness to avoid receiving an overdue task in Bridges (the DHS database). BAM 115 at 16. Bridges sends a DHS 1605, Client Notice, or the DHS-1150, Application Eligibility Notice, with the denial reason(s). *Id.* For FAP benefits, DHS is to send a negative action notice when the client indicates a refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130 at 5.

In the present case, DHS made separate requests to verify Claimant's gift income and self-employment income. There was no dispute that Claimant needed to verify his income.

Claimant testified that he did not receive the Verification Checklists because he did not have access to the mailbox to which the verifications were sent. Thus, Claimant contended he should not be blamed for the failure to return the verifications.

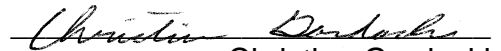
The undersigned can appreciate the difficulties that clients without a reliable mailing address would have in receiving mail from DHS. Nevertheless, it is a client's responsibility to inform DHS how to be contacted. Claimant had the options of using a more reliable mailing address, obtaining a post office box or going to a local DHS office to pick up mail.

Claimant testified that he attempted to contact DHS to explain his problem in receiving mail. Claimant's testimony was not particularly credible concerning this issue. Claimant must have received the notice of FAP benefit termination because Claimant requested the hearing using a document attached to the notice of termination. Claimant did not clarify how he was able to access his mailing address mailbox for one of the mailed documents but not others. There was also no evidence that Claimant submitted or attempted to submit the income verifications. Had Claimant done so, his testimony would have been much more credible. It is found that DHS properly terminated Claimant's FAP benefits due to Claimant's failure to verify income information.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant failed to apply for MA benefits and is not entitled to an administrative hearing concerning MA benefits. Concerning the issue of MA benefits, Claimant's request for hearing is DISMISSED.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's FAP benefits due to Claimant's failure to verify necessary information. The actions taken by DHS are AFFIRMED.

  
Christian Gardocki  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: August 19, 2011

Date Mailed: August 19, 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.

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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.

CG/hw

cc:

