

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: 2011-5378
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 9, 2010
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 received by the Department on November 4, 2010. After due notice, a telephone hearing was conducted from Detroit, Michigan on December 9, 2010. The Claimant appeared and testified. [REDACTED], also appeared and testified as a witness on the Claimant's behalf. Holly Hunter, ES, appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's Food Assistance Program (FAP) case and denied the Medicaid application for the Claimant's son due to the failure of the Claimant to provide the verification information requested by the Verification Checklist due date?

FINDINGS OF FACT

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

- 1) The Claimant applied for FAP on August 18, 2010. The Claimant was granted expedited food assistance and a FAP case was opened.
- 2) The Department sent the Claimant a verification checklist on August 18, 2010, which was due by August 30, 2010. Exhibit 1
- 3) The Claimant received the Verification Checklist.
- 4) The Verification checklist sought verification information about the claimant's last 30 days employment income. Exhibit 1
- 5) The claimant dropped off copies of the last 30 days of check stubs, returning them in the return envelope provided with the verification checklist, on August 30, 2010, leaving it at the Department mail drop-off box.
- 6) A friend of the claimant's was with her at the time and testified at the hearing confirming that the claimant dropped off the requested information by the due date, August 30, 2010.
- 7) A notice of Case Action was issued by the Department on September 1, 2010, closing the claimant's FAP case, effective October 1, 2010, and denying the medical assistance application all of her son because the claimant failed to provide the Department the necessary information.
- 8) The claimant's hearing request indicates that she provided all the requested information and did not understand that the denial was because the Department had not received her pay stubs.
- 9) The Department's representative confirmed that there had been problems in the past receiving drop-off mail.

- 10) The claimant requested a hearing on October 29, 2010, protesting the closure of her food assistance case and denial of her son's application for medical assistance. The hearing request was received by the Department on November 4, 2010.

CONCLUSIONS OF LAW

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) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT).

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, formally 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 Bridges administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Program Reference Manual ("PRM").

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. 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.

The Department is required to verify employment and income at application and when a change is reported. If the client fails to verify these items the Department must close the Claimant's case or deny the application for failure to verify the requested information. BEM 554, p. 11.

In this case, the Department mailed out a Verification Checklist seeking verification of employment, on August 18, 2010, to the Claimant at the address confirmed by the Claimant as her correct address as shown on the application. The claimant received a verification checklist. The Claimant did provide the information to the Department by the due date. Because the Department did not receive the claimant's check stubs, it closed her FAP case and denied medical assistance to her son.

Based upon the testimony of the claimant and her witness who both testified credibly that the claimant dropped off the requested information on August 30, 2010, it is found that the Department must reopen the claimant's FAP case retroactive to the date of application as well as reinstate the claimant's application for medical assistance for her son. This conclusion is based upon the credible testimony of the claimant and her witness and the Department's representative who testified credibly that on occasion mail has been lost when dropped in the Department's drop-off box. While the

Department properly closed the case based on the information that it had at that time, the case must be reopened as the claimant, based on her testimony, did not refuse to cooperate.

Accordingly, it is found that the Department's closure of the claimant's FAP case and denial of the application for medical assistance for the claimant's son was in error and is therefore REVERSED.

DECISION AND ORDER


The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that there was insufficient evidence presented to affirm the Department's actions.

Accordingly, it is ORDERED:

1. The Department shall reinstate the claimant's FAP case retroactive to October 1, 2010, the date of closure, and shall request the necessary verification of wages received by the claimant for the period 30 days prior to the application date of August 18, 2010.
2. The claimant shall be given an opportunity to re submit the requested information either by providing copies of her pay stubs or verification from her employer.
3. Upon receipt of the requested wage verifications the Department shall review the claimant's FAP budget and supplement the claimant retroactive to the date of the FAP case closure for any FAP benefits she was otherwise entitled to receive.
4. The Department shall reopen and reinstate the claimant's application for medical assistance, for her son, and shall, based upon the verifications of

employment income from the claimant, determine eligibility of the claimant's son for medical assistance.

5. If the claimant's son is found otherwise eligible for medical assistance, the Department shall provide medical coverage retroactive to the date of the application.


Lynn M. Ferris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/15/10

Date Mailed: 12/20/10

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.

LMF/dj

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