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

IN THE MATTER OF:

	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2012-14688 3008 February 29, 2012 Genesee 06
ADMINISTRATIVE LAW JUDGE: C. Adam Purne	II	
HEARING DECISION		
This matter is before the undersigned Administrative and MCL 400.37 following Claimant's request for telephone hearing was held on February 29 Participants on behalf of Claimant included Representative (AHR) Participants on behalf of Department of Human State (Eligibility Specialist).	for a hearing. 7, 2012, from 7 Claimant's A	After due notice, a Lansing, Michigan. Authorized Hearing
ISSUE		
Due to a failure to comply with the verification requirements, did the Department properly \boxtimes deny Claimant's application \square close Claimant's case \square reduce Claimant's benefits for:		
		ssistance (SDA)? nt and Care (CDC)?
FINDINGS OF FACT		
The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:		
1. Claimant ⊠ applied for ☐ was receiving: ☐FIP ☐FAP ☑MA ☐SDA ☐CDC.		

3. Claimant was required to submit requested verification by September 6, 2011. The Department provided Claimant with 3 (three) additional extended deadlines to turn in the requested verifications.

2. Claimant 🛛 was 🔲 was not provided with a Verification Checklist (DHS-3503).

2012-14688/CAP 4. On October 7, 2011, the Department denied Claimant's application closed Claimant's case reduced Claimant's benefits for failure to submit verification in a timely manner. 5. On October 7, 2011, the Department sent notice of the denial of Claimant's application. closure of Claimant's case. reduction of Claimant's benefits. 6. On October 24, 2011, Claimant filed a hearing request, protesting the denial. closure. reduction. **CONCLUSIONS OF LAW** Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). ☐ The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, et seq. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, et seg., and 1997 AACS R 400.3101-FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. 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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, et seg., and 1997 AACS R 400.3001-3015 The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, et seg., and MCL 400.105. The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, et seq., and 1998-2000 AACS R 400.3151-400.3180. The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of

400.14(1) and 1997 AACS R 400.5001-5015.

1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL

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Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. BAM 130. Verifications are considered timely if received by the date they are due. 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.

In the instant matter, Claimant applied for MA benefits and the Department requested verifications of Claimant's assets (i.e., life insurance and bank statements). Effective October 1, 2011, the Department considers assets when determining eligibility for SSI-related MA categories. BEM 400. Claimant failed to return the requested verifications after the Department extended the original verification deadline on at least 3 (three) separate occasions. Claimant, through his AHR, was unable to obtain the verification information. Without the requested verifications, the Department is unable to determine Claimant's program eligibility or otherwise process Claimant's application.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department properly improperly
 ☐ closed Claimant's case. ☐ denied Claimant's application. ☐ reduced Claimant's benefits.
DECISION AND ORDER
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department ☐ did not act properly. ☐ did not act properly.
Accordingly, the Department's decision is \boxtimes AFFIRMED \square REVERSED for the reasons stated on the record.
THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:
/ <u>s/</u> C. Adam Purnell Administrative Law Judge For Maura Corrigan, Director Department of Human Services Date Signed: 3/6/12
Date Digited. <u>Droft2</u>

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome
 of the original hearing decision.
- A reconsideration <u>MAY</u> be granted for any of the following reasons:
- · misapplication of manual policy or law in the hearing decision,
- typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant;
- the failure of the ALJ to address other relevant issues in the hearing decision

Request must be submitted through the local DHS office or directly to MAHS by mail at Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

CAP/ds

