

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 20121493
Issue No: 2026, 3008
Case No: [REDACTED]
Hearing Date: October 27, 2011
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received on September 20, 2011. After due notice, a telephone hearing was held on October 27, 2011. Claimant appeared and provided testimony.

ISSUE

Whether the Department properly closed Claimant's Food Assistance Program (FAP) benefits and Medical Assistance (MA) benefits for failure to return the required verification?

FINDINGS OF FACT

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

1. Claimant was a recipient of FAP and MA benefits at all times relevant to this hearing. (Department Exhibit 9)
2. On August 30, 2011, the Department mailed Claimant a New Hire Client Notice (DHS 4635), requesting that Claimant provide the Department with proof of Claimant's employment with [REDACTED] by no later than September 9, 2011. The Notice further advised Claimant that her failure to provide the requested information by the due date would result in the cancellation of her benefits. (Department Exhibit 4)
3. On September 12, 2011, the Department mailed Claimant a Notice of Case Action (DHS 1605) advising her that, effective October 1, 2011, her FAP benefits case and her MA benefits case would be closed due to her failure to verify necessary information. (Department Exhibit 1)

4. On September 14, 2011, Claimant requested a hearing contesting the Department's closure of her FAP and MA benefits.

CONCLUSIONS OF LAW

Clients have the right to contest a department decision affecting eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department provides an administrative hearing to review the decision and determine its appropriateness of that decision. BAM 600.

The regulations that govern the hearing and appeal process for applicants and recipients of public assistance in Michigan are contained in the Michigan Administrative Code (Mich Admin Code) Rules 400.901 through 400.951. An opportunity for a hearing shall be granted to a recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. Mich Admin Code 400.903(1).

The Food Assistance Program (FAP) was established pursuant to 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 Medical Assistance (MA) program was established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department administers the FAP and MA programs pursuant to MCL 400.10, *et seq.*, MCL 400.105, and MAC R 400.30001-3015. Department policies for both programs are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department policy indicates that clients must cooperate with the local office in determining initial and ongoing eligibility with all programs. BAM 105. This includes completion of the necessary forms. Clients who are able to but refuse to provide necessary information or take a required action are subject to penalties. BAM 105. Clients must take actions within their ability to obtain verifications. BAM 130; BEM 702. Likewise, DHS local office staff must assist clients who ask for help in completing forms or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or not fluent in English. BAM 105.

Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. BAM 130. The department tells the client what verification is required, how to obtain it, and the due date through the use of the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice. The client must obtain the required verification, but the department must assist if they need and request help. 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. If the client is unable to provide the verification despite a reasonable effort, the department must extend the time limit at least once. BAM 130. For MA, the time limit is extended up to three times. 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 case, Claimant is disputing the Department's closure of her FAP and MA benefits for failure to provide the requested verification. However, at the hearing, Claimant acknowledged having received the New Hire Client Notice from the department. Claimant testified that she believed she complied with the verification request by having forwarded the New Hire Client Notice to her employer for completion. Yet, Claimant acknowledged that she did not follow up with her DHS case worker to determine whether her employer had submitted the completed information.

The Administrative Law Judge therefore finds that, based on the material and substantial evidence presented during the hearing, the Department acted in accordance with policy in closing Claimant's FAP and MA benefits case for lack of verification.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in closing Claimant's FAP and MA benefits case for lack of verification.

The Department's actions are **UPHELD**. It is SO ORDERED.

/s/
Suzanne D. Sonneborn
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: October 28, 2011

Date Mailed: October 28, 2011

NOTICE: The 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.

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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.

SDS/cr

cc:

