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

IN THE MATTER OF:



Reg. No.: 2012-33289 Issue No.: 2009; 3008 Case No.:

Hearing Date: March 27, 2012 County: Wayne-19

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on March 27, 2012. Claimant personally ap peared and provided testimony.

ISSUE

Due to a failure to comply with the ve rification requirements, did the Department properly deny Claim ant's Food Assistanc e Program (FAP) applic ation and clos e her Transitional Medical Assistance (TMA-MA) program?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantia I evidence on the whole record, including testimony of witnesses, finds as material fact:

- 1. Claimant applied for FAP on January 11, 2012. (Hearing Summary).
- 2. Claimant was provided with a Verification Checklist (DHS-3503) January 23, 2012. (Department Exhibit 3-4).
- 3. Claimant was required to submit requested verification by February 2, 2012. (Department Exhibit 3).
- 4. On February 3, 2012, the Department denied Claimant's FAP application for f ailure to submit verification in a timely manner. (Department Exhibits 5-6).
- 5. On January 23, 2012, the Department closed Claimant's TMA-MA effective March 1, 2012. (Department Exhibits 7-8).

6. On February 13, 2012, Claim ant filed a hearing request, protesting the closure of TMA-MA and denial of FAP. (Request for a Hearing).

CONCLUSIONS OF LAW

The Medic al Assistance (MA) program is est ablished by the Title XIX of the Socia I Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the F amily 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 Ma nual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The Food Assistanc e Program (FAP) (formerly known as the Food Stamp (FS) program) is establis hed by the Food St amp 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 or department) 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 Manual (RFT).

For FAP, the Client is allowed 10 calendar days (or other time limit specified in policy) to provide the verification requested. If the Client cannot provide the verification despite a reasonable effort, the time limit is extended up to three times. A Notice of Case Actions is sent when the Client indicat es refusal to provide a verification, or the time period given has elapsed. BAM 130.

Claimant testified that she mailed in what she believed the department had requested. Claimant admitted she had not submitted documentation of the vehicles value. Base dupon 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 denied Claimant's FAP application and closed Claimant's TMA-MA.

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 re cord, finds that the Department properly denied Claimant's FAP application and closed her TMA-MA program.

Accordingly, the Department's decision is AFFIRMED for the reasons stated on the record.

<u>/s/</u>

Vicki L. Armstrong Administrative Law Judge for Maura D. Corrigan, Director Department of Human Services

Date Signed: April 9, 2012

Date Mailed: April 9, 2012

NOTICE: Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not order a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely 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 **MAY** 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

Re consideration/Rehearing Request P.O. Box 30639
Lansing, Michigan 48909-07322

VLA/ds

