

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

IN THE MATTER OF:



Reg. No: 20123640
Issue No: 2006, 3008
Case No: [REDACTED]
Hearing Date: January 25, 2012
Bay County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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 Wednesday, January 25, 2012. Claimant personally appeared and testified on his behalf.

ISSUE

Was good cause for noncompliance of timely verification of redetermination of eligibility established?

FINDINGS OF FACT

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

1. On August 16, 2011, the Department of Human Services sent the claimant FAP/MA-P redetermination paperwork for an interview scheduled for September 1, 2011; claimant did not appear because he forgot.
2. On September 19, 2011, the Department of Human Services sent the case action notice that his case would close September 27, 2011, and he requested a hearing on September 28, 2011.
3. On September 28, 2011, the due-date was extended to September 30, 2011.
4. On September 30, 2011, the due-date was extended to October 5, 2011.
5. On October 5, 2011, the due-date was extended to October 7, 2011 and the claimant's granddaughter advised that she would help the claimant

complete verification paperwork; the requested verifications had not been submitted by October 7, 2011.

6. On December 7, 2011, the claimant asked the Department of Human Services for help in completing the application and it was subsequently approved for FAP/MA-P.

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). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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 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 Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Facts above are undisputed.

Good Cause-----a circumstance which is considered a valid reason for complying with a requirement...PRG Glossary, Page 15.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See BAM 130 and BEM 702. BAM, Item 105, p. 8.

Assisting the Client

All Programs

The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications. Particular sensitivity must be shown to clients

who are illiterate, disabled or **not** fluent in English. BAM, Item 105, p. 9.

The claimant had the responsibility to seek help, as he had done on December 7, 2011 late, in completing his continued eligibility within the required extended time limits. This he failed to do untimely on December 7, 2011. Therefore, this Administrative Law Judge does not find that it was beyond the claimant's control to have requested help with preparation of his verification information in a timely manner. Therefore, good cause for untimely verification has not been established.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that good cause was not established for untimely verification of redetermination ongoing eligibility.

Accordingly, MA-P/FAP determination is **UPHELD**.

/s/
William A. Sundquist
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: March 5, 2012

Date Mailed: March 6, 2012

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 90 days of the filing of the original request.

20123640/WAS

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.

WAS/tb

cc:

