

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201239739
Issue No.: 2006 3008
Case No.: [REDACTED]
Hearing Date: May 3, 2012
County: Wayne DHS (18)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, an in-person hearing was held on May 3, 2012 from Taylor, Michigan. Participants on behalf of Claimant included the above named claimant; [REDACTED] appeared and testified. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUES

The first issue is whether DHS properly terminated Claimant's Medical Assistance (MA) and Food Assistance Program (FAP) benefit eligibility due to Claimant's failure to verify checking account information.

The second issue is whether DHS properly denied a subsequent application for MA and FAP benefits due to a failure by Claimant to verify checking account information.

FINDINGS OF FACT

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

1. Claimant was an ongoing FAP and MA benefit recipient.
2. DHS obtained information from the Social Security Administration (SSA) that Claimant's ongoing SSA benefits were directly deposited into a checking account.
3. On 1/13/12, DHS requested verification of Claimant's checking account information.

4. Claimant responded to the request by submitting a statement that he did not know his checking account information (see Exhibit 1).
5. On an unspecified date, DHS terminated Claimant's ongoing eligibility for FAP and MA benefits effective 2/2012.
6. On [REDACTED], Claimant reapplied for FAP and MA benefits.
7. On an unspecified date, DHS requested verification of Claimant's checking account information.
8. Claimant responded to the request by submitting a statement that he did not have a checking account (see Exhibit 2) even though he had a checking account.
9. On 3/8/12, DHS denied Claimant's application for FAP and MA benefits, due to a failure to verify checking account information.
10. On 3/12/12, Claimant requested a hearing to dispute the termination of FAP and MA benefits, effective 2/2012, and the subsequent denial of his application dated [REDACTED].

CONCLUSIONS OF LAW

The Food Assistance Program (formerly known as the Food Stamp 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). DHS administers the FAP pursuant to Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001-3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). Updates to DHS regulations are found in the Bridges Policy Bulletin (BPB).

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). DHS 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 Reference Tables Manual (RFT).

It was not disputed that Claimant was an ongoing FAP and MA benefit recipient and that DHS requested information concerning a checking account in Claimant's name. DHS established that there was reason to believe that Claimant had a checking account because they received information from SSA that Claimant's benefits were directly deposited into a checking account.

For FAP benefits, DHS is to send a negative action notice when the client indicates a refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130 at 5. For MA benefits, DHS is to

send a case action notice when: the client indicates refusal to provide a verification, or the time period given has elapsed.

In response to the first DHS request for checking account verification, Claimant submitted a statement (see Exhibit 1) that he did not have a checking account and that he could not verify the closure status because he did not know the checking account number. Claimant testified that he had just closed the account prior to the request and had already opened up a new checking account. Claimant conceded that he did not make reasonable efforts in either verifying that his previous checking account was closed or in verifying his new checking account information. It is found that DHS properly terminated Claimant's FAP and MA benefit eligibility effective 2/2012.

Concerning Claimant's application dated [REDACTED] requesting FAP and MA benefits, it was not disputed that DHS again requested verification of Claimant's checking account information. In response, Claimant submitted a statement indicating he had no checking account (see Exhibit 2). Claimant's testimony conceded that he, in fact, had a checking account and that he failed to verify the information. Claimant's failure to verify the checking account information was an appropriate basis for DHS to deny the application.

Claimant gave some testimony that he was hesitant to provide DHS with information concerning his checking account number. Claimant's contention was reasonable, however, the DHS actions were not the result of a failure by Claimant to verify a checking account number; DHS terminated and subsequently denied Claimant's FAP and MA eligibility because Claimant made no efforts in verifying a checking account balance. Assets are relevant to FAP and MA benefit eligibility (see BAM 400). Accordingly, the DHS termination of FAP and MA benefit eligibility and subsequent denial of Claimant's FAP and MA benefit application are found to have been proper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's eligibility effective 2/2012 for FAP and MA benefits. It is further found that DHS properly denied Claimant's FAP and MA benefit application dated 2/8/12. The actions taken by DHS are AFFIRMED.



Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 15, 2012

Date Mailed: May 15, 2012

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. (60 days for FAP cases).

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.

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

- A rehearing **MAY** 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
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

