

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

IN THE MATTER OF:



Reg. No.: 2012-49015
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: May 30, 2012
County: Macomb

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 Claimant's request for a hearing. After due notice, a telephone hearing was held on May 30, 2012. Claimant personally appeared and provided testimony.

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's Food Assistance Program (FAP) and close Claimant's Medical Assistance (MA) benefits?

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 was receiving MA and had applied for FAP at the time of the hearing. (Hearing Summary).
2. Claimant was provided with a Verification Checklist (DHS-28) April 2, 2012. (Department Exhibits 1-2).
3. Claimant was required to submit requested verification by April 12, 2012. (Department Exhibit 1).
4. On April 12, 2012, the Department denied Claimant's FAP benefits for failure to return her verification of employment in a timely manner. (Department Exhibits 4-5).
5. On April 17, 2012, the Department closed Claimant's MA benefits for failure to return her verification of employment in a timely manner. (Department Exhibits 7-8).

6. On April 24, 2012, Claimant filed a hearing request, protesting the closure of MA and denial of FAP benefits. (Request for a Hearing).

CONCLUSIONS OF LAW

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 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).

According to departmental policy BAM 105, eligibility for FAP is not to be denied for failure to cooperate with a verification request by a person outside the group. Moreover, if neither the client nor the department can obtain verification despite a reasonable effort, the best available information is to be used. BAM 130. If no evidence is available, the department is to use their best judgment. BAM 130.

In this case, the department was trying to verify Claimant's employment, and had spoken with Claimant's employer themselves. The employer refused to cooperate with Claimant and the department. The only information available at the time the department made the decision was that Claimant had quit her job and the employer refused to cooperate with them. Because the employer was refusing to cooperate, and with no evidence to contradict Claimant's report of quitting, the department improperly denied Claimant's application for FAP for a person outside of Claimant's group's failure to cooperate.

Therefore, this Administrative Law Judge finds, based on the material and substantial evidence presented during the hearing, that the department improperly closed Claimant's FAP and MA benefits for failure to timely submit the employment verification form (DHS-38).

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly closed Claimant's FAP and MA benefits for failure to timely turn in the requested verifications.

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Accordingly, the department's actions are REVERSED. The department shall reinstate Claimant's FAP and MA benefits back to the date of closure and issue Claimant any retroactive benefits she is entitled to receive. It is SO ORDERED.

/S/

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

Date Signed: 6/19/12

Date Mailed: 6/19/12

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 **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

VLA/ds

