

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201269833
Issue No: 2006, 3008
[REDACTED]
Hearing Date: October 16, 2012
Wayne-17 County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

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 October 16, 2012, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] Participants on behalf of Department of Human Services (Department) included [REDACTED] and [REDACTED]

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's application close Claimant's case reduce Claimant's benefits for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> Child Development and Care (CDC)? |
| <input checked="" type="checkbox"/> Medical Assistance (MA)? | |

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. Prior to July 17, 2012, the Claimant was receiving FAP benefits.
2. On July 17, 2012, the Claimant applied for MA benefits.
2. On July 17, 2012, the Claimant was was not provided with a verification checklist (DHS-3503).
3. Claimant was required to submit requested verifications by July 27, 2012.

4. On July 17, 2012, the Claimant provided the Department with a copy of his bank statement. The bank statement indicated the Claimant had a bank account with cash value of [REDACTED]
5. Between July 17, 2012 and July 30, 2012, the Department determined the Claimant had excess assets for the MA program.
6. Between July 17, 2012 and July 30, 2012, the Claimant submitted an updated bank statement showing he no longer had excess assets. The bank statement showed a July 30, 2012 transfer of \$ [REDACTED] out of his account.
7. On July 30, 2012, the Department sent the Claimant a verification checklist (DHS-3503). The Department specifically requested copies of bank statements for all of the Claimant's bank accounts. The Department requested this information because of the \$ [REDACTED] transfer. The verifications were due back to the Department by August 9, 2012.
8. On August 10, 2012, the Department sent the Claimant a notice of case action. The notice indicated the Claimant's FAP case was being closed and the Claimant's MA case was being denied for failure to provide requested verifications.
9. On August 13, 2012, the Claimant requested a hearing.

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The FAP [formerly known as the Food Stamp (F S) 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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, R 400.3001 through Rule 400.3015.

The 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.

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms. Clients must completely and truthfully answer all questions on forms and in interviews.

Serious questions regarding the Claimant's assets were raised when the Claimant submitted an updated bank statement showing a \$ [REDACTED] transfer out of what was alleged to be his sole account. The Claimant alleges the large transfer was to pay for bills. However, I could not find and the Claimant did not provide a sufficient number of bills to equal this amount. Furthermore, the bank statement shows a transfer and not a withdrawal of cash. The Claimant alleges to have paid his bills in cash, and not by some other means such as bank transfers.

Because the Claimant has not shown where the \$ [REDACTED] had gone and has not shown any other bank statements, I find the Department acted accordingly, when they denied the Claimant's MA application and closed the Claimant's FAP case for failing to provide requested information.

DECISION AND ORDER

I find based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Department did act properly.

Accordingly, the Department's decision is **AFFIRMED**.

/s/ _____
Corey A. Arendt
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: October 17, 2012

Date Mailed: October 17, 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 receipt 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

CAA/las

cc:

