

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201253351
Issue No: 2006, 3008
Case No: [REDACTED]
Hearing Date: June 13, 2012
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on May 14, 2012. After due notice, a telephone hearing was held on June 13, 2012.

ISSUE

Whether the Department of Human Services (Department) properly closed the Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) cases for failure to provide information necessary to determine her eligibility to receive benefits?

FINDINGS OF FACT

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

1. The Claimant was an ongoing Food Assistance Program (FAP) and Medical Assistance (MA) recipient.
2. On March 13, 2012, the Department sent the Claimant a Redetermination (DHS-1010) with a due date of April 3, 2012.
3. Based on the information reported on the Redetermination form, and during a subsequent Redetermination interview, the Department sent the Claimant a Verification Checklist (DHS-3503) on April 19, 2012, with a due date of April 30, 2012. The Department requested verification of current household income and verification of a loss of past employment.
4. On April 19, 2012, the Department sent Verification of Employment (DHS-38) forms for the Claimant to provide verification of a group member's current employment, and the loss of prior employment.
5. On May 1, 2012, the Department received the Claimant's Verification of Employment forms.

6. On May 3, 2012, the Department closed the Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) benefits for failure to provide information necessary to determine her eligibility to receive benefits.
7. The Department received the Claimant's request for a hearing on May 14, 2012, protesting the closure of her Food Assistance Program (FAP) and Medical Assistance (MA) benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (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). 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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

In this case, the Claimant was an ongoing Food Assistance Program (FAP) and Medical Assistance (MA) recipient. On March 13, 2012, the Department sent the Claimant a Redetermination (DHS-1010) with a due date of April 3, 2012.

Based on the information reported on the Redetermination form, and in a subsequent Redetermination interview, the Department sent the Claimant a Verification Checklist (DHS-3503) on April 19, 2012, with a due date of April 30, 2012. The Department had requested verification of the current household income and verification of a loss of past employment.

On April 19, 2012, the Department sent Verification of Employment (DHS-38) forms for the Claimant to provide verification of the current employment of group members, and the loss of prior employment. On May 1, 2012, the Claimant returned the completed Verification of Employment forms.

On May 3, 2012, the Department closed the Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) benefits for failure to provide information necessary to determine her eligibility to receive benefits.

The Verification of Employment forms received by the Department on May 1, 2012, were not fully completed. Although it is the duty of the Claimant to provide verification to the Department, the failure to fully complete the forms may have been caused in part by a lack of cooperation by the Claimant's employer and former employer.

However, the Verification of Employment forms were submitted to the Department until after the due date had passed.

The Claimant failed to establish during the hearing that she made a reasonable effort to submit the necessary information in a timely manner. Based on the evidence and testimony available during the hearing, the Department has established that it properly closed the Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) benefits cases for failure to provide information necessary to determine her eligibility to receive benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly closed the Claimants Food Assistance Program (FAP) and M.A. benefits for failure to provide information necessary to determine her eligibility to receive benefits.

The Department's Food Assistance Program (FAP) and Medical Assistance (MA) eligibility determination are **AFFIRMED**. It is SO ORDERED.

/s/
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: June 18, 2012

Date Mailed: June 18, 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 60 days of the filing of the original request.

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.

KS/tb

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