

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

IN THE MATTER OF:



Reg. No.: 201256760
Issue No.: 3008, 2006
Case No.: [REDACTED]
Hearing Date: July 5, 2012
County: Wayne DHS (55)

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, a telephone hearing was held on July 5, 2012 from Detroit, Michigan. Participants included the above named claimant: [REDACTED] testified and appeared as Claimant's AHR and translator. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly denied Claimant's eligibility for Food Assistance Program (FAP) and Medical Assistance (MA) benefit eligibility due to a failure by Claimant to verify employment income.

FINDINGS OF FACT

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

1. On 5/7/12, Claimant applied for FAP and MA benefits.
2. On 5/9/12, DHS mailed Claimant a Verification Checklist (VCL) requesting proof of Claimant's spouse's employment income.
3. Claimant failed to return verification of the employment income to DHS.
4. On 5/24/12, DHS mailed Claimant a Notice of Case Action denying Claimant's application for FAP benefits, in part, due to Claimant's failure to verify her spouse's income.

5. On 5/30/12, Claimant requested a hearing to dispute the denial of FAP benefits and an unspecified action concerning Medical Assistance (MA) benefit eligibility.

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).

The present case involves a denial of FAP benefits. Claimant also requested a hearing concerning MA benefits though the Notice of Case Action tied to Claimant's hearing request did not address MA benefits; this suggests that Claimant requested a hearing concerning a DHS case action that had nothing to do with MA benefits. For purposes of this decision, it will be presumed that Claimant applied for FAP and MA benefits on 5/7/12.

A request for program benefits begins with the filing of a DHS-1171 or other acceptable form. BAM 110 at 1. Before processing an application, DHS may require a client to verify information within their application. Verification is usually required at application. BAM 130 at 1. DHS must give clients at least ten days to submit verifications. *Id.* Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. *Id.* DHS must tell the client what verification is required, how to obtain it, and the due date. *Id.* at 2. DHS is to use the DHS-3503, Verification Checklist to request verification. *Id.* at 3. DHS is to verify all non-excluded income. BEM 500 at 9. Claimant's spouse's employment income is not excluded income (see BEM 501).


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. *Id.* at 6.

It was not disputed that DHS requested verification of Claimant's spouse's employment on 5/9/12 via VCL and that DHS denied Claimant's application dated 5/7/12 on 5/24/12. The only disputed issue was whether Claimant verified the income or not.

Claimant testified that her spouse dropped off verification of his employment to DHS. Claimant's spouse was not present at the hearing. Claimant was unable to furnish any first-hand testimony that the verification of her spouse's income was ever submitted to DHS. No evidence of the submission was available. Second-hand testimony that a verification was submitted to DHS is not persuasive evidence verifying the submission. It is found that Claimant failed to verify that her spouse's employment income was submitted to DHS. Accordingly, the denial of MA and FAP benefits was proper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's eligibility for FAP and MA benefits due to a failure to verify employment income. The actions taken by DHS are AFFIRMED.


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

Date Signed: July 11, 2012

Date Mailed: July 11, 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 to:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

