

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201268512
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: September 7, 2012
County: Wayne DHS (17)

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 September 7, 2012 from Detroit, Michigan. Participants included the above named claimant; [REDACTED] testified on behalf of Claimant and appeared as Claimant's translator. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Manager, and [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly terminated Claimant's eligibility for Food Assistance Program (FAP) and Medical Assistance (MA) benefits due to a failure to submit verifications.

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. Claimant's FAP benefit eligibility was subject to redetermination beginning 5/2012.
3. On 4/11/12, DHS mailed Claimant a Verification Checklist (Exhibit 1) requesting a checking account statement and verification of Claimant's last 30 days of wages.
4. Claimant timely submitted verification of wages and a checking account statement.

5. On 4/27/12, DHS initiated termination of Claimant's FAP and MA benefit eligibility due to Claimant's alleged failures to verify checking account information and a failure to verify stopped employment income.
6. On 5/7/12, Claimant requested a hearing to dispute the FAP and MA benefit terminations.

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).

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).

DHS is to verify income at application and at redetermination. BEM 505 (10-2010), p 11. DHS is to use the DHS-3503, Verification Checklist to request verification. BAM 130 (5-2012), p. 3. DHS must give clients at least ten days to submit verifications. *Id.* DHS must tell the client what verification is required, how to obtain it, and the due date. *Id.* at 2. For FAP benefits, DHS is to send a negative action notice when:

- the client indicates refusal to provide a verification, or
- the time period given has elapsed and the client has not made a reasonable effort to provide it. (*Id.*, p. 5.)

The present case involves a termination of FAP and MA benefits. DHS alleged that Claimant failed to verify checking account information and a stoppage in employment income. The checking account verification will first be considered.

DHS established that Claimant was mailed a Verification Checklist requesting a checking account statement. Claimant contended that the checking account was timely submitted. The testifying DHS manager testified that this issue was previously discussed with Claimant. The testifying manager stated that though DHS had no evidence of a timely submission, the issue was conceded favorably for Claimant following the submission of the document in early 5/2012. The testimony went so far as to commend the assigned specialist for the customer service demonstrated in giving Claimant the benefit of the doubt concerning the verification submission. DHS now contended that the verification was untimely. No other evidence was submitted by Claimant or DHS concerning the timeliness of Claimant's submission. However, if DHS

conceded that Claimant timely submitted the checking account information in 5/2012, the concession should still hold, barring new evidence that the submission was not made; no such evidence was presented. It is found that Claimant timely verified checking account information.

A second reason for denial was the alleged failure to verify Claimant's spouse's stopped employment income. DHS relied on a Verification Checklist dated 4/11/12 as proof that the request was made. Claimant's spouse noted that the checklist only requested verification of his current income, not a verification of stopped income. Further, Claimant's spouse noted that his income had not stopped at the time of the Verification Checklist mailing. Claimant's spouse was right on both accounts. Thus, DHS never made a valid request for employment income stoppage prior to terminating Claimant's FAP and MA benefit eligibility. Based on the presented evidence, DHS failed to establish that Claimant failed to verify checking account information or stopped employment income. Accordingly the adverse actions taken to Claimant's FAP and MA benefit eligibility were improper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly terminated Claimant's eligibility for FAP and MA benefits. It is ordered that DHS:

- (1) reinstate Claimant's FAP and MA benefit eligibility effective 5/2012 subject to the findings that Claimant did not fail to verify stopped employment income and checking account information; and
- (2) supplement Claimant for any benefits not received as a result of the improper DHS actions.

The actions taken by DHS are REVERSED.



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

Date Signed: September 12, 2012

Date Mailed: September 12, 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:

