

**STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

[REDACTED]

Reg No. 2013-11650
Issue No. 2008, 3008
Case No.. [REDACTED]
Hearing Date: January 31, 2013
County: Wayne (17)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Thursday, January 31, 2013. The Claimant appeared and testified. Participating on behalf of the Department of Human Services ("Department") was [REDACTED], and [REDACTED].

ISSUE

Whether the Department properly denied the Claimant's Medical Assistance ("MA") and food assistance ("FAP") application?

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 October 12, 2012, the Department submitted an application for public assistance seeking MA and FAP benefits.
2. On October 16, 2012, the Department interviewed the Claimant.
3. As a result of the interview, the Department sent requested verifications of income and assets with a due date of October 29, 2012. (Exhibits 2, 3, and 4)

4. The Verifications were not returned resulting in the denial of MA and FAP benefits for the Claimant but the approval of MA benefits for the Claimant's children. (Exhibits 5, 6)
5. On October 31, 2012, the Department sent a Notice of Case Action to the Claimant informing her of the MA and FAP denial. (Exhibit 6)
6. On or about November 10, 2012, the Department received the Claimant's written request for hearing.

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act. 42 USC 1397 and is administered by the Department of Human Services pursuant to MCL 400.10, *et seq.* The Department, formally known as the Family Independence Agency, administers the program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Manual ("BRM").

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) 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 administers the FAP program pursuant to MCL 400.10 *et seq.*, and Mich Admin Code, Rule 400.3001-3015. Department policies are found in the BAM, BEM, and the BRM.

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105 (September 2012), p. 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130 (May 2012), p. 1. The client must obtain the required verification, however, the Department must assist if needed and/or requested. BAM 105, p. 8; BAM 130, p. 3. If neither the client nor the Department is able to obtain verification despite reasonable effort, the Department should use the best available information. BAM 130, p. 3. If no evidence is available, the Department should use its best judgment. BAM 130, p. 3. Client's are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. BAM 130, p. 5. For FAP, a negative action notice should be sent when the client indicates a refusal to provide the verification or the time period provided has lapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 5. For MA purposes, a case action notice is sent when the client indicates refusal to provide a verification or the time period provided has passed. BAM 130, p. 5.

The proper addressing and mailing of a letter creates a legal presumption that it was received. *Stacey v Sankovich*, 19 Mich App 688, 694 (1969).

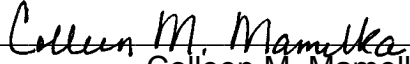
In this case, the Claimant submitted an application for MA and FAP benefits. The Department initiated processing and sent a Verification Checklist to the Claimant with a due date of October 29, 2012. The Verification Checklist was properly addressed and was not returned as undeliverable. The Claimant testified that she did not receive the Verification Checklist. The legal presumption was that it was received. *Stacy* at 694. Further, during the interview the Claimant was informed that the Department needed the income and asset information yet there was no communication with the Department or verification received. The Claimant testified that she had provided her checking account number when she applied online. As explained in the hearing, the Department has no access to the account and, therefore, was unable to verify the asset. Ultimately, the Department established it acted in accordance with Department policy when it denied the Claimant application for MA and FAP based on the Claimant's failure to provide verification necessary to determine eligibility. Accordingly, the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds the Department established it acted in accordance with Department policy when it denied the Claimant's application for MA and FAP benefits.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.


Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: February 7, 2013

2013-11650/CMM

Date Mailed: February 8, 2013

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

CMM/tm

cc:

