

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201325786
Issue No.: 3019, 2012, 5013
Case No.: [REDACTED]
Hearing Date: February 28, 2013
County: Wayne County (15)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

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 conducted from Detroit, Michigan on February 28, 2013. The Claimant appeared and testified. Participant on behalf of the Department of Human Services (Department) was [REDACTED] (Eligibility Specialist).

ISSUE

Whether the Department properly processed the Claimant's application for Food Assistance (FAP) and Medical Assistance (MA) for failure to return required documentation?

Whether the Department properly processed the Claimant's State Emergency Relief ("SER") request for home-owners tax assistance and properly denied the SER request for water or sewage assistance based on co-pay being greater than amount needed to resolve the emergency?

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 January 4, 2013 Claimant filed an on-line application requesting FAP, MA, and SER for both utility service and property taxes.
2. On January 7, 2013, the Department sent Claimant a verification checklist with a due date of January 17, 2013. (Exhibit 2)

3. On the same date, January 7, 2013, the Department sent Claimant notice of denial for SER regarding utility service due to co-payment being greater than the amount needed to resolve the emergency. (Exhibit 3)
4. The Department did not process Claimant's SER request for home-owners property taxes.
5. Claimant was approved for MA.
6. On January 29, 2013, the Department received Claimant's written request for a hearing to dispute the action taken in regards to her request for FAP, MA and SER for both utility services and property taxes.

CONCLUSIONS OF LAW

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

A person may request or apply for public assistance electronically or in any local office in Michigan. The application must be processed by a local office serving the county or district where the person lives or is institutionalized. Electronically filed applications include all applications filed online in MI Bridges, faxed, or emailed. BAM 110 (January 2013), p. 4. An application or filing form, with the minimum information, must be registered on Bridges unless the client is already active for that program.

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.

In this case, the Claimant submitted an electronic application for MA, FAP and SER benefits on January 4, 2013. The Department initiated processing and sent a Verification Checklist to the Claimant with a due date of January 17, 2013. The Department asserted in the Hearing Summary that the Claimant did not provide all necessary documentation by the due date. Claimant testified credibly that all requested documentation was submitted timely. Her testimony was not refuted. The record further shows that MA was approved and the SER request for utility services was denied due to

the co-payment allegedly being greater than the amount needed to resolve the emergency. No budgets were submitted by the Department to support either action. It is not clear from the record what the Department considered in the action taken; and what occurred with the processing of the Claimant's FAP benefits or SER for property taxes. Claimant further testified that an additional group member was not included in the approval for MA that was identified on the application. The Department representative that appeared at hearing was not the worker who processed the application. She testified that she had no knowledge of what occurred in the case or the basis for the action taken by the Department. The Department has the burden of establishing that the action taken was proper. On this record, the evidence was insufficient to support a finding that the action taken by the Department was in accordance with policy.

Accordingly, the Department did not establish that it acted in accordance with policy in the processing of Claimant's application for FAP, MA, SER (property taxes) and in denying the SER request for utility services.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did not act in accordance with Department policy.

Accordingly, the action taken by the Department is hereby, **REVERSED**.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate reprocessing of Claimant's application for FAP, MA and SER for both (property taxes & utility services) as of January 4, 2013.
2. The Department shall supplement for any lost FAP benefits the Claimant was entitled to receive if otherwise eligible and qualified in accordance with department policy.

/s/ _____
MICHELLE HOWIE
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 3/6/2013

Date Mailed: 3/6/2013

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

MH/hw

cc:

