

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-39845
Issue No.: 1005, 3000
Case No.: [REDACTED]
Hearing Date: May 6, 2013
County: Wayne (82-31)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 May 6, 2013, from Detroit, Michigan. Claimant appeared and testified. Participating on behalf of the Department of Human Services (Department) was [REDACTED].

ISSUE

Did the Department act in accordance with Department policy when it denied Claimant's applications for Food Assistance Program (FAP) and State Disability Assistance (SDA) 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. On December 14, 2012, Claimant submitted an application for FAP and SDA.
2. On January 7, 2013, the Department sent Claimant a Verification Checklist (VCL) for which Claimant was required to submit requested verifications by January 17, 2013. Exhibit 1.
3. On March 20, 2013, the Department sent Claimant a Notice of Case Action informing her that the Department had denied her application for SDA effective January 1, 2013, due to a failure to verify requested information. Exhibit 1.

4. On April 3, 2013, Claimant filed a request for hearing disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), Reference Tables Manual (RFT), and State Emergency Relief Manual (ERM).

FAP

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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, Rule 400.3001-3015.

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2).

In the present case, on December 14, 2012, Claimant applied for FAP benefits. The Department denied Claimant's application for FAP due to her not living in a valid institution for FAP purposes. Soon after commencement of the hearing, the parties testified that they had reached a settlement concerning the disputed action. Consequently, the Department agreed to do the following: (i) reregister the December 14, 2012, FAP application; (ii) begin reprocessing the application and recalculating the FAP budget from December 14, 2012, ongoing in accordance with Department policy; (iii) begin issuing supplements to Claimant for any FAP benefits that she was eligible to receive but did not from December 14, 2012, ongoing in accordance with Department policy; and (iv) notify Claimant of its decision in writing in accordance with Department policy.

As a result of this settlement, Claimant no longer wishes to proceed with the hearing. As such, it is unnecessary for this Administrative Law Judge to render a decision regarding the facts and issues in this case.

SDA

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, Rule 400.3151 through Rule 400.3180.

Additionally, verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (May 2012), p. 1. To

request verification of information, the Department sends a Verification Checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, pp. 2-3. Clients are given 10 calendar days (unless otherwise specified by policy) to provide the verifications requested by the Department. Verifications are considered to be timely if received by the date they are due. BAM 130, p. 5. The Department sends 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, p. 5.

In this case, Claimant submitted an application for SDA benefits on December 14, 2012. On January 7, 2013, the Department sent Claimant a VCL requesting verification of her identity, residential address, donation or contribution from an individual outside the group, and medical records and forms relating to her alleged disability. Exhibit 1. Claimant was required to respond to the VCL by January 17, 2013, and provide the Department with the verifications requested in order for the Department to properly process her application. The Department testified that it did not receive all of the requested verifications by January 17, 2013.

Claimant testified that she submitted all the required documentation with her application. Claimant stated that she was informed by her former Department worker that the worker would send Claimant's new Department worker all of the documentation that Claimant had previously submitted. The Department stated that it did receive certain forms from Claimant's old worker but not what was requested in the VCL. Claimant verified that after receiving the VCL on January 7, 2013, she did not submit any additional information or documentation and relied only on what was submitted with her application.

Because Claimant did not provide the Department with the requested verifications by January 17, 2013, Claimant's application for SDA was denied. On March 20, 2013, the Department sent Claimant a Notice of Case Action informing her of the denial based on a failure to verify requested information. Exhibit 2. Therefore, the Department properly denied Claimant's application for SDA based on a failure to verify requested information.


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 acted in accordance with Department policy when it denied Claimant's SDA case for failure to verify requested information. Accordingly, the Department's SDA decision is **AFFIRMED**.

The Administrative Law Judge further concludes that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing regarding her FAP case.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING:

1. Reregister the December 14, 2012, FAP application;
2. Begin reprocessing the application and recalculating the FAP budget from December 14, 2012, ongoing in accordance with Department policy;
3. Begin issuing supplements to Claimant for any FAP benefits that she was eligible to receive but did not from December 14, 2012, ongoing in accordance with Department policy; and
4. Notify Claimant of its decision in writing in accordance with Department policy.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 13, 2013

Date Mailed: May 14, 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

2013-39845/ZB

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

ZB/pf

cc:

