

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201343876
Issue No.: 3008, 2006
Case No.: [REDACTED]
Hearing Date: May 29, 2013
County: Oakland County (#04)

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 on Wednesday, May 29, 2013 from Detroit, Michigan. Participants on behalf of Claimant included the Claimant and [REDACTED] (Husband). Participant on behalf of Department of Human Services (Department) was [REDACTED] (Eligibility Specialist).

ISSUE

Whether the Department properly closed the Claimant's Food Assistant Program (FAP) and Medical Assistance (MA) case due to failure to provide 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. The Claimant and her husband were ongoing recipients of FAP and MA benefits.
2. The Department sent a redetermination packet to the Claimant due by April 1, 2013.
3. On April 1, 2013 the Claimant submitted documentation for redetermination and on April 2, 2013 a telephone interview was held.
4. As a result of the documentation and interview, the Department sent Claimant a request for additional verification of income and assets due by April 12, 2013. (Exhibit 2)

5. The verifications were not received resulting in the Department pending the FAP and MA benefits to close at the end of the benefit period.
6. On April 15, 2013, the Department sent Notice of Case Action notifying Claimant of the intended closure of the FAP and MA benefits (Exhibit 1)
7. On April 26, 2013, the Department received the Claimant's written hearing request regarding the action.

CONCLUSIONS OF LAW

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

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, R 400.3001 through R 400.3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

Client's must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105 (November 2012) The Department has the responsibility of telling the client what verification is required, how to obtain it, and the due date. BAM 130 (May 2012) Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130 Verification is usually required at application / redetermination and for a reported change affecting eligibility or benefit level. BAM130. The client must obtain any required verification, however, the Department must assist if needed and/or requested. BAM 130 Client's are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verification. BAM 130

For FAP and MA purposes, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210 (November 2012). FAP clients have until the last day of the redetermination month or 10 days, whichever is later, to provide requested verifications. BAM 210 A FAP group loses the

right to uninterrupted benefits if it fails to participate in the scheduled interview, submit the required verifications, or complete the application by the 15th of the redetermination month. (BAM 210). A negative action notice is 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 the verification. (BAM 130). In FAP cases, a client will not be given an extension and their case will be denied once the verification checklist due date is passed. In MA cases if the client cannot provide the verification despite a reasonable effort an extension may be granted if requested up to three times.

In this case, the Claimant received and submitted the redetermination packet on April 1, 2013. The Department subsequently sent a Verification Checklist to the same address requesting additional documentation due by April 12, 2013. The Verification Checklist was properly addressed to the Claimant's address on record and was not returned as undeliverable. Claimant testified that she did not receive the Verification Checklist. 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) Further, the Claimant acknowledged that she was informed that the Department needed additional income information during the telephone interview yet there was no communication or verification received. Based on the evidence on record, the Department established it acted in accordance with policy when it closed the Claimant's MA and FAP benefits due to Claimant's failure to provided verification necessary to determine eligibility.

Accordingly, the Department's determination is hereby Upheld.

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 act properly when it closed the Claimant's FAP and MA case effective May 1, 2013 for failure to provide verification.

Accordingly, the Department's FAP and MA determination is hereby, **AFFIRMED**.



Michelle Howie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 6/6/2013

Date Mailed: 6/6/2013

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:

