

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-45804
Issue Nos.: 2000, 3008
Case No.: [REDACTED]
Hearing Date: June 5, 2013
County: SSPC-EAST (97-98)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 three-way telephone hearing was held on June 5, 2013, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED]

[REDACTED] Participants on behalf of the Department of Human Services (Department) included [REDACTED]

ISSUE

Did the Department properly deny Claimant's application for Food Assistance Program (FAP) benefits effective March 1, 2013, ongoing?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

1. Claimant applied for FAP benefits on February 28, 2013. Exhibit 2.
2. On March 11, 2013, the Department sent Claimant a Verification Checklist (VCL) with a due date of March 21, 2013. Exhibit 1.
3. On March 11, 2013, the Department also sent Claimant a Verification of Employment with a due date of March 21, 2013. Exhibit 1.

4. On March 11, 2013, the Department also sent Claimant a Verification of Assets with a due date of March 21, 2013. Exhibit 1.
5. On March 14, 2013, the Department received Claimant's Verification of Employment. Exhibit 1.
6. The Department never received Claimant's Verification of Assets or other verification requests.
7. On March 22, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FAP application was denied effective March 1, 2013, ongoing, due to Claimant's failure to comply with the verification requirements. Exhibit 1.
8. On May 8, 2013, Claimant's AHR filed a hearing request, protesting Claimant's MA benefits and the denial of Claimant's FAP application. Exhibit 1.

CONCLUSIONS OF LAW

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

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1997 AACS R 400.3101-3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

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 1997 AACS R 400.3001-3015

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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 1998-2000 AACS R 400.3151-400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and 1997 AACS R 400.5001-5015.

As a preliminary matter, it was discovered during the hearing that Claimant's AHR was only protesting Claimant's FAP application denial. This decision will, therefore, only address Claimant's FAP application. Thus, it is ORDERED that Claimant's Medical Assistance (MA) hearing request is DISMISSED pursuant to Michigan Administrative Code Rule 400.906(1).

Clients must cooperate with the local office in completing the necessary forms for determining initial and ongoing eligibility. BAM 105 (March 2013), p. 5. For FAP cases, the Department allows the client 10 calendar days to provide the verification requested. BAM 130 (May 2012), p. 5. Also for FAP cases, if 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, then policy directs that a negative action be issued. BAM 130, p. 5.

Additionally, the Department can use the DHS-20, Verification of Assets, the DHS-27, Release of Information, or other specified form as appropriate, when helping a person verify assets. BEM 400 (January 2013), p. 44. For FAP cases, the Department can request a monthly statement for a checking or draft account as an acceptable verification source. BEM 400, p. 44.

In the present case, Claimant applied for FAP benefits on February 28, 2013. Exhibit 2. On March 11, 2013, the Department held an interview with Claimant. Also, on March 11, 2013, the Department sent Claimant a Verification Checklist (VCL) with a due date of March 21, 2013. Exhibit 1. On March 11, 2013, the Department also sent Claimant a Verification of Employment with a due date of March 21, 2013. Exhibit 1. On March 11, 2013, the Department also sent Claimant a Verification of Assets with a due date of March 21, 2013. See Exhibit 1. On March 14, 2013, the Department received Claimant's Verification of Employment. Exhibit 1. Moreover, the Department never received Claimant's Verification of Assets or other verification requests. Thus, on March 22, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FAP application was denied effective March 1, 2013, ongoing, due to her failure to comply with the verification requirements. Exhibit 1. At this point, Claimant was not represented.

In this case, the Department testified that Claimant indicated in her March 11, 2013, interview that she did not have any assets since her car accident. However, the Department testified that its system indicated that Claimant held a checking account. See Exhibit 1. Additionally, Claimant's March 11, 2013, VCL notated that, on a prior application dated January 7, 2013, Claimant indicated she had a checking account.

See Exhibit 1. A copy of the January 7, 2013, application was not provided at the hearing. On March 11, 2013, the Department sent Claimant a VCL requesting verification of her checking account by either providing (i) a current statement from a bank or financial institution or (ii) a DHS-20, Verification of Assets. Exhibit 1. Also, on March 19, 2013, the Department sent an e-mail to the Claimant requesting proof of her checking account statement in order to process her FAP case. Exhibit 1. However, the Department never received the verification requested.

At the hearing, Claimant's AHR testified that the Claimant approached her for assistance regarding the denial of FAP benefits in April of 2013. Claimant's AHR testified that Claimant told her she did not currently have a checking account. However, Claimant's AHR testified that Claimant never indicated to her that the Department requested verification of her bank account.

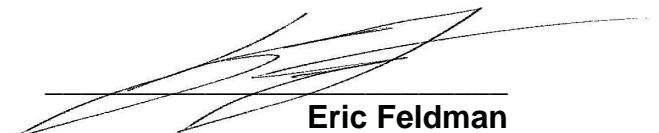
Based on the foregoing information and evidence, the Department properly denied Claimant's FAP application. The Department requested in its VCL dated March 11, 2013, proof of Claimant's checking account based on its system and a prior application indicating Claimant held a checking account. The Department also e-mailed Claimant a few days prior to her application closure reminding her to provide proof of her checking account. See Exhibit 1. The Department never received the requested documentation or a request for assistance. Thus, the Department properly denied Claimant's FAP application effective March 1, 2013, ongoing, in accordance with Department policy due to Claimant's failure to comply with the verification requirements. BAM 105, p. 5; BAM 130, p. 5; and BEM 400, p. 44.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated above and on the record, finds that the Department properly denied Claimant's Food Assistance Program (FAP) application.

Accordingly, the Department's FAP decision is AFFIRMED REVERSED for the reasons stated above and on the record.

Also, based on the above discussion, it is ORDERED that Claimant's Medical Assistance (MA) hearing request is DISMISSED pursuant to Michigan Administrative Code Rule 400.906(1).



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 11, 2013

Date Mailed: June 11, 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 affect the substantial rights of the claimant:
 - 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

EJF/pf

cc:

