

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

IN THE MATTER OF:



Reg. No.: 201346401
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: June 6, 2013
County: SSPC- East (#98)

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 Thursday, June 6, 2013, from Detroit, Michigan. The Claimant appeared and testified. Participants on behalf of Department of Human Services (Department) was [REDACTED] (Eligibility Specialist) and [REDACTED] (Family Independence Manager).

ISSUE

Whether the Department properly denied the Claimant's application for Food Assistance Program (FAP) and Medical Assistance (MA) benefits?

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 is an ongoing MA recipient who applied to add FAP benefits to her case on April 8, 2013.
2. On April 10, 2013, the Department sent Claimant a verification checklist requesting proof of employment by April 22, 2013. (Exhibit 2)
3. On April 26, 2013, the Department sent Notice of Case Action denying the Claimant's application for FAP and MA. (Exhibit 1)

4. On May 7, 2013, the Department received the Claimant's written hearing request disputing the Department action.
5. On May 1, 2013, Claimant reapplied for MA and FAP benefits. The determination is still pending.

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 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.

The Food Assistance Program ("FAP"), formerly known as the Food Stamp 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. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, Rules 400.3001 through Rule 400.3015.

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. Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. BAM 130, p. 5. For FAP and MA, 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 evidence is insufficient to support a finding that the Department acted in accordance with policy when it denied Claimant's April 8, 2013 MA and FAP application. The Department has the burden of establishing by a preponderance of the evidence that it acted in accordance with policy in any action taken that negatively affects a client. On this record, the Department did not meet its burden. Claimant testified credibly that she submitted the requested verification to the Department worker several times prior to

the due date, and in addition uploaded the verification onto the Bridges system, at the worker's request. She further made numerous unsuccessful attempts to contact the worker regarding the verification prior to the denial. Her testimony was not refuted. The Department representatives at hearing testified that they did not process the Claimant's April 8, 2013 application, and thus had no personal knowledge regarding the basis for denial. The Department representative further stated she is assigned to process the Claimant's new application, dated May 1, 2013, and acknowledged that Claimant's proof of employment information was on the system and in the case file. On this record, the Department did not establish by a preponderance of the evidence that it properly denied the Claimant's April 8, 2013 application

Accordingly, the Department action is not 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 not establish it acted properly when it denied the Claimant's April 8, 2013 FAP and MA application.

Accordingly, the Department's FAP and MA determination 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. The Department shall reinstate the Claimant's April 8, 2013 application for MA and FAP benefits and process in accordance with policy.
2. The Department shall notify Claimant in writing regarding MA and FAP eligibility determination in accordance with department policy.



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

Date Signed: 6/13/2013

Date Mailed: 6/13/2013

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:

