

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201346435  
Issue No.: 2006, 3008  
Case No.: [REDACTED]  
Hearing Date: June 6, 2013  
County: Wayne County (#18)

**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. Participants on behalf of Claimant included the Claimant and his mother ([REDACTED]). Participants on behalf of Department of Human Services (Department) included [REDACTED] (Eligibility Specialist) and [REDACTED] (Assistant Payment Worker).

**ISSUE**

Whether the Department properly denied the Claimant's application for Medical Assistance (MA); and properly closed Claimant's Food Assistance Program (FAP) 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 was an ongoing FAP recipient with a group size of one.
2. In April 2013, the Department received Claimant's application to add MA benefits.
3. On April 11, 2013 the Department sent a verification checklist (VCL) to Claimant requesting verification of assets (current bank statements) to be submitted by April 22, 2013. (Exhibit 1)

4. On April 22, 2013, the Claimant submitted an older bank statement from September 2012 to the Department. (Exhibit 2)
5. On May 1, 2013, the Department sent Claimant Notice of Case Action pending the FAP case for closure effective June 1, 2013 and denying the MA application due failure to provide requested verification.
6. On May 8, 2013, the Department received Claimant's written hearing request disputing the Department 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.

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion and submission 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 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 it. BAM 130, p. 5. For MA purposes, a case action notice is sent when the client indicates refusal to provide verification or the time period provided has passed. BAM 130, p. 5. Verification of assets is required in determining FAP and MA eligibility.

In this case, the Claimant submitted an application to add MA benefits. The Department initiated processing and sent a Verification Checklist to the Claimant with a due date of April 22, 2013. The Department received a bank statement from the Claimant on April 22, 2013, but it was not current enough to be considered in the eligibility determination. Claimant's mother testified that she submitted a bank statement to the Department in person on April 10, 2013 and by mail April 22, 2013. However, she could not confirm which bank statement she submitted. The Department worker testified that only one bank statement (September 2012) was received by the Department. Further, on May 5, 2013, the Claimant was informed the Department still needed a current bank statement because the statement submitted was not current. Claimant has still not provided the requested verification to date. Based on the evidence on record, the Department established it acted in accordance with policy when it closed the FAP benefits and denied the MA application for Claimant's failure to provide verification necessary to determine eligibility. Claimant may reapply for benefits at any time.

Accordingly, the Department's action is 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 closed Claimant's FAP benefits effective June 1, 2013 and denied the MA application.

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

*M. Howie*

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**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:

