

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201346958  
Issue No.: 2006, 3008  
Case No.: [REDACTED]  
Hearing Date: June 10, 2013  
County: Wayne DHS (15)

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

**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 June 10, 2013, from Detroit, Michigan. Participants included the above-named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Supervisor.

**ISSUE**

The issue is whether DHS properly terminated Claimant's eligibility for Food Assistance Program (FAP) and Medical Assistance (MA) due to an alleged Claimant failure to return asset verification.

**FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant was an ongoing FAP and MA benefit recipient.
2. Claimant also received Medicare Savings Program (MSP) benefits through the MA program.
3. On 2/12/13, DHS mailed Claimant a Verification Checklist (VCL) requesting verification of Claimant's checking account.
4. The VCL due date was 2/22/13.
5. Claimant timely returned verification of the checking account.

6. On 5/1/13, DHS mailed Claimant a Notice of Case Action (Exhibits 1-4) informing Claimant of a termination of MA and MSP benefits, effective 6/2013 and FAP benefits, effective 5/2013.
7. On 5/8/13, Claimant requested a hearing to dispute the termination of FAP, MA and MSP benefits.

### **CONCLUSIONS OF LAW**

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. Department policies are contained in the Bridges Administrative Manual (BAM) and the Bridges Eligibility Manual (BEM).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). DHS administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RTM). MSP is a benefit available through the MA program.

The present case concerns a termination of FAP, MA and MSP benefits. DHS stated that the benefit terminations all occurred due to Claimant's alleged failure to verify checking account information.

For all programs, DHS is to use the DHS-3503, Verification Checklist to request verification. BAM 130 (5/2012), pp. 2-3. DHS must give clients at least ten days to submit verifications. *Id.*, p. 3 DHS must tell the client what verification is required, how to obtain it, and the due date. *Id.* at 2. It was not disputed that DHS properly requested verification from Claimant.

For FAP benefits, DHS is to send a negative action notice when:

- 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.

(*Id.*, p. 5.)

For MA benefits, DHS is to send a negative action notice when:

- the client indicates refusal to provide a verification, or
- the time period given has elapsed.

*Id.*, p. 6.

Claimant credibly testified that she mailed a checking account statement to DHS shortly after receiving the VCL. Claimant's specialist responded that Claimant's verification was never received.

Claimant had no verification of her submission. In fairness to Claimant, it would be unreasonable to expect a client to verify a mailing.

It was established that Claimant requested a hearing only seven days after DHS mailed the Notice of Case Action to Claimant. Generally, a client that quickly requests a hearing after receiving a notice of termination is one that is attentive to DHS mailing and will be more likely to respond to a VCL. This evidence is mildly supportive in finding that Claimant timely returned the requested asset verification.

DHS happened to wait over two months from the time that a verification was due until the time that a benefit termination was initiated. The testifying specialist noted that she was particularly busy around this time. The two month period between due date and termination initiation gives DHS more time to misplace a document. This is also mildly supportive in finding that Claimant returned her verification.

DHS conceded that Claimant brought the required verification to the hearing. Though an administrative hearing is too late for a client to submit a requested verification, it shows that Claimant has the verification. A client who possesses a requested verification is less likely to not send it to DHS upon request.

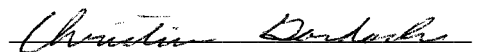
Based on the presented evidence, it is found that Claimant timely submitted a verification of her checking account to DHS. Accordingly, the DHS termination of FAP, MA and MSP benefits is found to be improper.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly terminated Claimant's FAP and MA benefit eligibility. It is ordered that DHS:

- (1) reinstate Claimant's FAP benefit eligibility, effective 6/2012, subject to the finding that Claimant timely verified her checking account information;
- (2) reinstate Claimant's MA and MSP benefit eligibility, effective 5/2012, subject to the finding that Claimant timely verified her checking account information; and
- (3) initiate supplement of any benefits not issued as a result of the improper benefit terminations.

The actions taken by DHS are REVERSED.

  
Christian Gardocki  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 6/19/2013

Date Mailed: 6/19/2013

**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

CG/hw

cc:

