

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201317228
Issue No.: 1005, 2006, 3008
Case No.: [REDACTED]
Hearing Date: January 16, 2013
County: Monroe County DHS

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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 January 16, 2013 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] z (Claimant) and [REDACTED] (Claimant's representative). Participants on behalf of Department of Human Services (Department) included [REDACTED] (Family Independence Manager).

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's application for Family Independence Program (FIP), Food Assistance Program (FAP) and Medical Assistance (MA)?

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 FIP, FAP and MA.
2. Claimant was provided with a Verification Checklist (DHS-3503) on November 7, 2012.
3. Claimant was required to submit requested verification by November 19, 2012.
4. On December 1, 2012, the Department denied Claimant's application for failure to submit verification in a timely manner.¹

¹ The Department denied Claimant's FIP application due to a Work First noncompliance sanction.

5. On December 1, 2012, the Department sent notice of the denial of Claimant's application.
6. On December 7, 2012, Claimant filed a hearing request, protesting the denial.

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 AACRS 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 AACRS 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.

Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. BAM 130. Verifications are considered timely if received by the date they are due. BAM 130. The department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested verification. BAM 130. Should the client indicate a refusal to provide a verification or, conversely, if the time period given has elapsed and the client has not made a reasonable effort to provide it, the department may send the client a negative action notice. BAM 130.

Here, Claimant, through his representative, did not challenge the Department's assertion that he failed to return the verifications, but he claims that he had family issues (i.e., his wife was in a mental hospital) and that he lacked the ability to understand the verification form. Claimant also claims that he asked the Department for assistance and they refused. Claimant's testimony is not credible and not persuasive. Claimant did not provide any documentation to support his claim that his wife recently was admitted to a mental institution nor did he provide any evidence to show he had a mental deficiency that affected his ability to understand what he was required to do.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department properly denied Claimant's application for FAP and MA. During the hearing, Claimant stated that he no longer wished to pursue a hearing regarding FIP.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law finds that the Department did act properly.

Accordingly, the Department's decision regarding FAP and MA is **AFFIRMED**. Claimant's request for hearing concerning FIP is hereby **DISMISSED** per Claimant's consent and based on his statements under oath during the hearing.

IT IS SO ORDERED.

/s/
C. Adam Purnell
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: January 25, 2013

Date Mailed: January 28, 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

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