

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201328783
Issue No: 3008
Case No: [REDACTED]
Hearing Date: March 13, 2013
DHS SSPC WEST

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received by the Department of Human Services (department) on February 8, 2013. After due notice, a telephone hearing was held on March 13, 2013. Claimant appeared by three-way conference call and provided testimony. The department was represented by [REDACTED] an eligibility specialist with the department's SSPC West office.

ISSUE

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

FINDINGS OF FACT

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

1. On January 16, 2013, Claimant applied for FAP and MA benefits.
2. On January 16, 2013, the department mailed Claimant a Notice of Case Action (DHS 1605), informing him that that the department is unable to determine his eligibility for the Adult Medical Program because the program is closed to new enrollments at this time. (Department Exhibit C)
3. On January 18, 2013, the department mailed Claimant a Verification Checklist (DHS 3503), requesting that Claimant provide verification of his checking account, vehicle ownership, and rent. This information was due to the department by January 28, 2013. (Department Exhibit A)
4. Claimant did not provide the department with the requested verification by the January 28, 2013 deadline.

5. On January 30, 2013, the department mailed Claimant a Notice of Case Action (DHS 1605), informing him that his FAP benefits application had been denied effective March 1, 2013 due to his failure to provide the required verifications. (Department Exhibit B)
6. On February 8, 2013, Claimant requested a hearing contesting the department's denial of his application for FAP and MA benefits. (Request for Hearing)

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1)

Clients have the right to contest a department decision affective eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

The Medical Assistance (MA) program was established by 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 (DHS or department) 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 Program Reference Manual (PRM).

The Medicaid program is comprised of several sub-programs or categories. One category is FIP recipients. Another category is SSI recipients. There are several other categories for persons not receiving FIP or SSI. However, the eligibility factors for these categories are based on (related to) the eligibility factors in either the FIP or SSI program. Therefore, these categories are referred to as either FIP-related or SSI-related.

To receive Medicaid under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formerly blind or disabled. Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant women, receive Medicaid under FIP-related categories.

The Adult Medical Program (AMP) was established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), the Bridges Reference Manual (BRM), and the Reference

Tables Manual (RFT). Applications received during a freeze on AMP enrollments must be registered and denied. BEM 640.

The Food Assistance Program (FAP) was established pursuant to 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 of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.30001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department policy indicates that clients must cooperate with the local office in determining initial and ongoing eligibility with all programs. BAM 105. This includes completion of the necessary forms. Clients who are able to but refuse to provide necessary information or take a required action are subject to penalties. BAM 105. Clients must take actions within their ability to obtain verifications. BAM 130; BEM 702. Likewise, DHS local office staff must assist clients who ask for help in completing forms. BAM 130; BEM 702; BAM 105.

Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. 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. If the client is unable to provide the verification despite a reasonable effort, the department must extend the time limit at least once. BAM 130. . For MA, if the client cannot provide the verification despite a reasonable effort, the time limit is extended up to three times. 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. (Emphasis added).

In this case, the department processed Claimant's January 16, 2013 assistance application and determined, based on the information provided therein by Claimant, that Claimant was not eligible for the Adult Medical Program (the only program for which Claimant would have qualified since he is not aged, blind, or disabled) because the AMP is not currently open to new enrollees. Regarding Claimant's application for FAP benefits, the department obtained information from Claimant during his January 18, 2013 interview that Claimant had a checking account and a vehicle and that he paid monthly rent. And, because Claimant failed to provide the department with the requested verifications of this information by the January 28, 2013 deadline, the department notified Claimant on January 30, 2013 that his FAP benefits were being closed due to his failure to verify or allow the department to verify information necessary to determine Claimant's eligibility for the FAP program.

At the March 13, 2013 hearing, Claimant testified that he did not receive the Verification Checklist until January 30, 2013, the same day that he received the Notice of Case Action, notifying him of the department's denial of his FAP application for failure to verify

information. Claimant did not disagree with the department's decision regarding his ineligibility for MA benefits. In response to Claimant's testimony, the department representative testified that the Verification Checklist was mailed to Claimant on January 18, 2013 and could not have been mailed on January 30, 2013.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record and finds, based on the competent, material, and substantial evidence presented at the hearing, the department acted in accordance with policy in denying Claimant's application for FAP benefits due to Claimant's failure to verify necessary information. This Administrative Law Judge further finds that the department acted in accordance with policy in denying Claimant's application for MA benefits because the Adult Medical Program, the only program for which Claimant could qualify, was closed to new enrollees at the time of Claimant's application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department acted in accordance with policy in denying Claimant's application for FAP benefits due to Claimant's failure to verify necessary information, and in denying Claimant's application for MA benefits because the Adult Medical Program, the only program for which Claimant could qualify, was closed to new enrollees at the time of Claimant's application. Accordingly, the department's actions in this regard are **UPHELD**.

IT IS SO ORDERED.

/s/ _____
Suzanne D. Sonneborn
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 14, 2013

Date Mailed: March 15, 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 60 days of the filing of the original request.

The Claimant may appeal this 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 errors, or other obvious errors in the hearing decision that affect the substantial rights of 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 System
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, MI 48909-07322

SDS/cr

cc:

