

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

**IN THE MATTER OF:**



Reg. No.: 201348146  
Issue No.: 2006, 3008  
Case No.: [REDACTED]  
Hearing Date: June 19, 2013  
County: Gratiot

**ADMINISTRATIVE LAW JUDGE:** Gary F. Heisler

**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. After due notice, a hearing was held on June 19, 2013. Claimant appeared and testified.

**ISSUE**

Did the Department of Human Services properly deny Claimant's Medical Assistance (MA) application for failure to provide required income verifications?

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) for failure to provide required income verifications?

**FINDINGS OF FACT**

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

- (1) Claimant was an ongoing recipient of Food Assistance Program (FAP) benefits.
- (2) On April 25, 2013, Claimant submitted an application for Medical Assistance (MA).
- (3) On April 29, 2013, Claimant was sent a Verification Checklist (DHS Form 3503) and Self-Employment Income and Expense Statement (DHS 431) for January, February, and March 2013. The verifications were due back on May 9, 2013.

- (4) On May 10, 2013, the Self-Employment Income and Expense Statement (DHS 431) forms had been submitted for January, March and April 2013 and the form for March was not signed. The Department sent Claimant his Medical Assistance (MA) application was denied and his Food Assistance Program (FAP) would close June 1, 2013 for failure to provide required verifications.
- (5) On May 21, 2013, Claimant submitted a request for hearing.
- (6) On May 22, 2013, Claimant attended a pre-hearing conference and explained that he changed the Self-Employment Income and Expense Statement (DHS 431) forms because he did not have any income for January through March but did in April.

### **CONCLUSIONS OF LAW**

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). 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 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 of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this case the Department case worker indicated that when she received the self-employment income verifications she would have used them except that Claimant had changed the month on one form and had not signed one of the forms.

Department of Human Services Bridges Administration Manual (BAM) 220 Case Actions (2012) page 10 states that a negative action should be deleted when a requirement is met before the negative action effective date. Claimant's Food Assistance Program (FAP) was pended to close on June 1, 2013. He provided an explanation of the self-employment income verifications he submitted on May 22, 2013. In accordance with BAM 220 the Food Assistance Program (FAP) negative action should have been deleted.

Department of Human Services Bridges Administration Manual (BAM) 130 Verification and Collateral Contacts (2012), page 7, addresses timeliness of verifications for Medical Assistance (MA) and Adult Medical Program (AMP). BAM 130 directs to send a case action notice when the client indicates refusal to provide a verification, or the time period given has elapsed. In this case acceptable (signed) verification for the Medical

Assistance (MA) application was not received by the due date of May 9, 2013. Department of Human Services Bridges Administration Manual (BAM) 115 Application Processing (2013) has no provision for subsequent processing of Medical Assistance (MA) or Adult Medical Program (AMP) applications.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's Medical Assistance (MA) application for failure to provide required income verifications.

It is ORDERED that the actions of the Department of Human Services, regarding the Medical Assistance (MA) application, are UPHeld.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly close Claimant's Food Assistance Program (FAP) for failure to provide required income verifications.

It is ORDERED that the actions of the Department of Human Services, regarding Claimant's Food Assistance Program (FAP), are REVERSED.

It is further ORDERED that Claimant's Food Assistance Program (FAP) be reinstated and processed in accordance with Department policy.

/s/ \_\_\_\_\_  
Gary F. Heisler  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: 6/24/13

Date Mailed: 6/25/13

**NOTICE:** Administrative Hearings 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. Administrative Hearings 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 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.

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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

GFH/tb

cc:

