

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

IN THE MATTER OF:



Reg. No.: 20139488
Issue No.: 2006, 3008, 5000
Case No.: [REDACTED]
Hearing Date: January 16, 2013
County: Saginaw County DHS

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 January 16, 2013. Claimant appeared and testified. During the hearing it was determined that Claimant had re-applied resulting in approval of her State Emergency Relief (SER) application, approval of her Food Assistance Program (FAP) application and restoration of her Medical Assistance (MA) benefits. Claimant stated she did not have any MA or SER issues that need to be heard. The Medical Assistance (MA) and State Emergency Relief (SER) portions of this case are dismissed.

ISSUE

Did the Department of Human Services properly deny Claimant's September 11, 2012 Food Assistance Program (FAP) application for failure to provide required 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 Medical Assistance (MA) benefits.
- (2) On September 11, 2012, Claimant submitted an application for Food Assistance Program (FAP) and State Emergency Relief (SER) benefits.
- (3) On September 20, 2012, Claimant was sent a Verification Checklist (DHS Form 3503) which requested verification of checking and savings accounts.

- (4) On September 27, 2012, Claimant submitted verification of her only checking or savings account at Saginaw County Employees Credit Union.
- (5) On October 8, 2012, Claimant's Food Assistance Program (FAP) and State Emergency Relief (SER) application were denied and her Medical Assistance (MA) and Medicare Cost Share program were closed for failure to provide required verifications.
- (6) On October 26, 2012, Claimant submitted a request for hearing.

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 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).

The basis for denying the application is verification of accounts at Saginaw Medical Federal Credit Union. Claimant previously had accounts there but the accounts are closed. The evidence in this record contains a statement for those accounts for September 2010. Claimant testified that she does not remember exactly when she closed the accounts but believes it was in late 2010 or early 2011. Claimant's eligibility summary shows that she has been the recipient of Medical Assistance (MA) benefits since 2010 and received Food Assistance Program (FAP) benefits between November 2010 and October 2011. The eligibility summary also shows that Claimant's Medical Assistance (MA) and MC-QMB eligibility were re-determined on May 23, 2012.

It is certainly necessary to verify closure of accounts which have been reported to DHS during the course of a client's receipt of benefits. However, denial of an application or closure of a program for failure to provide verification should be limited to required verifications. The facts and evidence in this case do not indicate that the Department needed an initial verification of the Saginaw Medical Federal Credit Union account closures in September 2012 or another verification of the closures. If verification of the closure had not already occurred, the Department's May 23, 2012 determination of Claimant's Medical Assistance (MA) eligibility would have required the verification to determine her asset eligibility. The Department has not submitted sufficient evidence to show that verification of the Saginaw Medical Federal Credit Union account closures was required to process Claimant's September 11, 2012 application for Food Assistance Program (FAP) benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly deny Claimant's September 11, 2012 Food Assistance Program (FAP) application for failure to provide required verifications.

It is ORDERED that the actions of the Department of Human Services, in this matter, are **REVERSED**.

It is further ORDERED that Claimant's September 11, 2012 application for Food Assistance Program (FAP) benefits 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: January 24, 2013

Date Mailed: January 24, 2013

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 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.

GFH/hj

cc:

