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

**IN THE MATTER OF:**

[redacted]

Reg. No.: 2013-30240
Issue No.: 2006
Case No.: [redacted]
Hearing Date: May 28, 2013
County: Oakland (63-02)

**ADMINISTRATIVE LAW JUDGE:** Michael J. Bennane

## 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 May 28, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [redacted].

## ISSUE

Due to a failure to comply with the verification requirements, did the Department properly ☒ deny Claimant's application ☐ close Claimant's case ☐ reduce Claimant's benefits for:

☐ Family Independence Program (FIP)?
☐ Food Assistance Program (FAP)?
☒ Medical Assistance (MA)?
☐ State Disability Assistance (SDA)?
☐ Child Development and Care (CDC)?

## 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 ☐ was receiving: ☐FIP ☐FAP ☒MA ☐SDA ☐CDC.

2. Claimant was required to submit requested verification by February 4, 2013.

3. On March 1, 2013, the Department
   ☒ denied Claimant's application.
   ☐ closed Claimant's case.
   ☐ reduced Claimant's benefits .

4. On February 6, 2013, the Department sent notice of the
   ☒ denial of Claimant's application.
   ☐ closure of Claimant's case.
   ☐ reduction of Claimant's benefits.

5. On February 19, 2013, Claimant filed a hearing request, protesting the
   ☒ denial of Claimant's application.
   ☐ closure of Claimant's case.
   ☐ reduction of Claimant's benefits.

## 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 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.

Claimant testified that she notified the Department that there was a problem getting the requested documentation from her employer because the employer was moving.

Claimant testified that on the date that the Verification Checklist (VCL) was due, February 4, 2013, she not only went to the Department, she called her worker while there, and relayed the information that her employer was not able to provide the requested documentation because it was moving its place of business.

In addition, Claimant left a message with the uncompleted "Income and Expense Statement" that was date-stamped by the Department on February 4, 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 App365, 372NW2d 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,* MIch App 447, 452; 569 NW2d 641 (1997). In evaluating the credibility and weight to be given the testimony of a witness, the fact-finder may consider the demeanor of the witness, the reasonableness of the witness's testimony, and the interest, if any, the witness may have in the outcome of the matter. *People v Wade,* 303 Mich 303 (1942) cert den, 318 US 783(1943).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record, including the date stamped "Self-Employment Income and Expense Statement" that appears in the recorded documents as Exhibit 6.

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 ☒ improperly

☐ closed Claimant's case.
☒ denied Claimant's application.
☐ reduced Claimant's benefits.

## DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department
☐ did act properly ☒ did not act properly.

Accordingly, the Department's decision is ☐ AFFIRMED ☒ REVERSED for the reasons stated on the record.

☒ THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate reregistration and processing of Claimant's January 22, 2013, MA and retroactive MA applications.

**Michael J. Bennane**
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 8, 2013

Date Mailed: July 8, 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 affect the substantial rights of the claimant,
  - 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

MJB/pf

cc: [redacted]