

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

IN THE MATTER OF:

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Reg. No.: 2013-54425
Issue No.: 3008;2006
Case No.: ██████████
Hearing Date: July 22, 2013
County: Wayne (43)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 July 22, 2013, from Detroit, Michigan. Claimant appeared and testified. Participating on behalf of the Department of Human Services (Department) was ██████████, Eligibility Specialist.

ISSUE

Did the Department properly close Claimant's Medical Assistance (MA) and Food Assistance Program (FAP) cases?

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 was an ongoing recipient of FAP and MA benefits.
2. On April 19, 2013, the Department sent Claimant a Verification of Employment (VOE) form for which Claimant was required to complete and return to the Department by April 29, 2013. (Exhibit 2).
3. On April 26, 2013, the Department sent Claimant a New Hire Client Notice seeking verification of his new employment that was to be returned to the Department by May 6, 2013. (Exhibit 3).

4. On May 13, 2013, the Department sent Claimant a Notice of Case Action informing him that his FAP and MA cases would be closing effective June 1, 2013 because he had failed to provide requested information. (Exhibit 4).
5. On June 20, 2013, Claimant filed a hearing request, disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

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 Mich Admin Code, Rule 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 of Human Services (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 at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (May 2012), p.1. To request verification of information, the Department sends a Verification Checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, pp. 2-3. FAP and MA clients are given 10 calendar days to provide the verifications requested by the Department. For FAP cases, the Department sends a negative action notice when the client indicates a refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 5. For MA cases, the Department sends a negative action notice when the client indicates refusal to provide a verification, or the time period given has elapsed. BAM 130, p. 6.

Additionally, the Department routinely matches recipient employment data with the Michigan Department of Treasury (MDOT) through computer data exchange processes. New Hires is a daily exchange with MDOT and the information is used to determine current income sources for active Department clients. BAM 807 (April 2012), p.1. The New Hire database is established from W-4 tax records submitted to MDOT by employers. The New Hires process matches the Social Security number (SSN) for all active recipients to the database. If a SSN match is found on Bridges and the New Hires database, a New Hires match is created if there is no earned income reflected in Bridges. BAM 807, p.1. If the employment has not been previously reported, the Department is to request verification of the employment by sending the client a New

Hire Notice. BAM 807, p.1. Clients are given 10 calendar days to provide verification from the date the forms were requested. If verifications are not returned by the 10th day, the case will close for a minimum of 30 days, unless the client returns the requested verifications. BAM 807, p. 1.

In this case, the Department learned pursuant to a new hire search that Claimant had gained employment on or about April 9, 2013. (Exhibit 1). The Department sent Claimant a VOE and a New Hire Client Notice for which Claimant was required to complete and return to the Department. (Exhibits 2 and 3). At the hearing, the Department testified that because Claimant did not provide the Department with the verifications that were requested, on May 13, 2013 it sent Claimant a Notice of Case Action, informing him of the Department's intent to close his FAP and MA cases effective June 1, 2013 based on a failure to return the New Hire Client Notice and a failure to verify requested information. (Exhibit 4). BAM 807, p. 1; BAM 130, p.5. The Department testified that as of the hearing date, Claimant still had not provided the requested information.

Claimant testified that he received the VOE and the New Hire Client Notice late because they were misplaced at his home. Claimant stated that had the documents not been misplaced, he would have timely submitted all of the requested information. Claimant further stated that he did not find the VOE and New Hire Client Notice until the end of June, when his case had already closed. At that time, on June 20, 2013, Claimant requested a hearing and provided the Department with a letter of termination of employment. (Exhibit 5). Because Claimant confirmed that he did not submit the required verifications prior to their due dates, the Department did act in accordance with Department policy when it closed Claimant's FAP and MA cases for failure to verify requested information.

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 in accordance with Department policy when it closed Claimant's FAP and MA cases. Accordingly, the Department's decisions are AFFIRMED.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 31, 2013

Date Mailed: July 31, 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

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