

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-54125
Issue No.: 2006 3008
Case No.: [REDACTED]
Hearing Date: August 22, 2013
County: Wayne DHS (19)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 August 22, 2013, from Detroit, Michigan. Participants included the above-named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Manager, and [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly denied Claimant's application for Food Assistance Program (FAP) and Medical Assistance benefits due to a failure to verify income and/or assets.

FINDINGS OF FACT

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

1. On 4/18/13, Claimant applied for FAP and MA benefits.
2. On 4/29/13, DHS mailed Claimant a Verification Checklist (VCL) requesting, among other items, proof of: checking account balances for Claimant and his spouse, savings account balances for Claimant and his daughter, employment information for Claimant and his adult children, and citizenship verification.
3. The VCL due date was 5/9/13.

4. On 5/8/13, Claimant returned some of the requested verifications but not verification of his daughter's employment or verification of all bank accounts.
5. On 5/16/13, DHS denied Claimant's FAP benefit application and MA benefits for Claimant's adult children.

CONCLUSIONS OF LAW

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. DHS regulations are found in the 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, R 400.3001 through R 400.3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The present case concerns a denial of FAP and MA benefits. Per the Notice of Case Action (Exhibits 3-5) the programs were denied due to a failure by Claimant to verify the following: three checking accounts, two savings accounts, employment for Claimant's adult children and citizenship for Claimant.

For all programs, DHS is to use the DHS-3503, Verification Checklist to request verification. BAM 130 (5/2012), pp. 2-3. DHS must give clients at least ten days to submit verifications. *Id.*, p. 3 DHS must tell the client what verification is required, how to obtain it, and the due date. *Id.*, p. 2.

The amount of verifications requested from Claimant was somewhat staggering. DHS requested employment information for three persons, four bank statements, citizenship and identity information. It was considered whether all of the verifications were necessary. DHS verified that the requests were necessary by citing Claimant's application as proof. DHS established that Claimant happens to be part of a FAP and MA benefit group with more wage earning adults and bank accounts than most groups.

DHS alleged that Claimant failed to verify citizenship. It was not disputed that Claimant submitted passports for his spouse and himself. DHS responded that a passport is not an acceptable verification of citizenship. A check of the VCL showed that DHS failed to inform Claimant which documents verified citizenship. This DHS failure justifies a finding that DHS may not deny Claimant's application for a failure to verify citizenship.

Turning to income, it was not disputed that Claimant verified his own self-employment income. It was disputed whether Claimant verified employment for his two adult daughters. Claimant testified that a letter drafted by each of his daughter's supervisors was submitted to DHS. During the hearing, DHS checked Claimant's case file and discovered a letter drafted by Claimant's daughter which contained some employment information. DHS noted that a letter from a client is not acceptable verification of employment income. A letter for the second daughter's employment was not found.

It was not disputed that DHS requested proof of two savings accounts and two checking accounts. DHS presented testimony that Claimant timely returned two documents concerning bank accounts, one of which failed to identify which account was verified.

Claimant testified that if DHS did not have all of the verifications, then DHS surely lost the verifications. As noted during the hearing, it cannot be known with certainty whether DHS lost verifications or whether Claimant failed to submit all verifications, but educated guesses can be made.

It was not disputed that DHS possessed a stapled packet of Claimant's submission. It is not known whether DHS or Claimant stapled the documents. The fact that Claimant's verifications were stapled together makes it mildly less likely that DHS would have lost some of Claimant's documents.

Claimant testified that DHS and/or his assigned specialist had a history of negligence Claimant testified to several calls that went unreturned by DHS. As noted during the hearing, not addressing the specific issue of the document submission made it sound as if Claimant was trying to distract from the central issue.

Claimant testified that his daughters' supervisors each drafted letters concerning employment. DHS possessed only a letter concerning employment which was drafted by Claimant's daughter, not her supervisor. Claimant's mistaken testimony tended to his establish that he was neglectful, not DHS. Based on the presented evidence, it is probable that Claimant failed to submit necessary verifications concerning bank accounts and employment for his daughters.

For FAP benefits, DHS is to send a negative action notice when:

- the client indicates refusal to provide a verification, or
- the time period given has elapsed and the client has not made a reasonable effort to provide it.

(*Id.*, p. 5.)

For MA benefits, DHS is to send a negative action notice when:

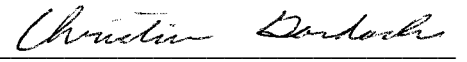
- the client indicates refusal to provide a verification, or
- the time period given has elapsed.

Id., p. 6.

It was not disputed that proof of employment and bank account balances are required verification. Based on the finding that Claimant failed to verify employment information and/or bank accounts, the denial of FAP and MA benefits is found to be proper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's FAP and MA benefit application dated 4/18/13. The actions taken by DHS are AFFIRMED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 8/30/2013

Date Mailed: 8/30/2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

013-54125/CG

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

