

**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.: 2013-56284
Issue No.: 2006
Case No.: ██████████
Hearing Date: August 1, 2013
County: Macomb (20)

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 August 1, 2013, from Detroit, Michigan. Claimant and his ██████████ appeared and testified. Participating on behalf of the Department of Human Services (Department) was ██████████, Medical Contact Worker.

ISSUE

Did the Department properly deny Claimant's application for Medical Assistance (MA)?

Did the Department properly process Claimant's Food Assistance Program (FAP) and State Emergency Relief (SER) 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. On May 31, 2013, Claimant submitted an application for MA benefits.
2. There was no negative action taken by the Department with respect to Claimant's FAP and SER cases during the 90 days preceding the filing of his hearing request.
3. On June 4, 2013, the Department sent Claimant a Medical Determination Verification Checklist (VCL) for which Claimant was required to submit requested verifications by June 14, 2013. (Exhibit 1)

4. On June 26, 2013 the Department sent Claimant a Notice of Case Action, denying his application for MA benefits based on a failure to return documentation to complete disability determination. (Exhibit 2)
5. On July 3, 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).

MA

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.

Additionally, 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. MA clients are given 10 calendar days to provide the verifications requested by the Department. Verifications are considered to be timely if received by the date they are due. BAM 130, p.5. 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. 6.

In this case, Claimant applied for MA on May 31, 2013. The Department sent Claimant a VCL on June 4, 2013 in connection with his application for MA. (Exhibit 1). Verification of Claimant's medical records, medical examination report, medical social questionnaire and other medical documentation was due to the Department on June 14, 2013. (Exhibit 1). At the hearing, the Department testified that because Claimant did not provide the Department with the verifications that were requested and because the Department did not receive any communications from Claimant indicating that he was having difficulty submitting the documentation, on June 26, 2013, it sent Claimant a Notice of Case Action, denying his application for MA based on a failure to return documentation necessary to complete disability determination. (Exhibit 2). BAM 130, p.5.

At the hearing, Claimant testified that he does not remember if he received the VCL or if he submitted any of the requested information to the Department by the due date. Claimant confirmed that he did not contact the Department regarding his MA application until the date he submitted a hearing request. As such, the Department acted in

accordance with Department policy when it denied Claimant's MA application for failure to verify requested information.

FAP

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 through Rule 400.3015.

The hearing was requested to dispute the Department's action taken with respect to Claimant's FAP benefits. Shortly after commencement of the hearing, Claimant testified that he now understood and was satisfied with the actions taken by the Department and did not wish to proceed with the hearing. Claimant stated that he was currently receiving FAP benefits in an amount that he was satisfied with and that there was no lapse in benefits. The Request for Hearing was withdrawn. The Department agreed to the dismissal of the hearing request.

SER

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, et seq., and by, 1999 AC, Rule 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

The Michigan Administrative Code R 400.903(1) provides as follows:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance.

A request for hearing must be in writing and signed by the claimant, petitioner, or authorized representative. Rule 400.904(1). Moreover, the Bridges Administrative Manual (BAM) 600 (July, 2013), p. 4, provides in relevant part as follows:

The client or authorized hearing representative has *90 calendar days from the date of the written notice of case action to request a hearing*. The request must be received anywhere in DHS within the 90 days. [Emphasis added.]

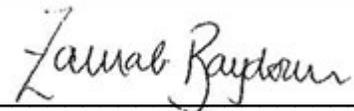
At the hearing, Claimant confirmed that this was an incorrect hearing request, as he thought SER was related to his medical emergency and assistance with his hospitalization. Claimant stated that he had not recently applied for SER nor did he

have an open and active SER case. Claimant testified that he did not wish to proceed with the hearing regarding SER as he did not have any issues with SER that needed to be resolved. Therefore, there was no negative action taken by the Department with respect to SER during the 90 days preceding the filing of his hearing request. Claimant's hearing request was therefore, not timely filed. As such, Claimant's hearing request is DISMISSED for lack of jurisdiction. BAM 600, p 4.

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 denied Claimant's MA application based on a failure to verify requested information. Accordingly, the Department's MA decision is AFFIRMED.

It is further found that Claimant's hearing request with respect to FAP and SER is DISMISSED.



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

Date Signed: August 8, 2013

Date Mailed: August 8, 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.

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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

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

ZB/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]