

**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.: 2013-57720  
Issue No.: 2006, 3008  
Case No.: ██████████  
Hearing Date: August 12, 2013  
County: Wayne (49)

**ADMINISTRATIVE LAW JUDGE:** Colleen M. Mamelka

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Monday, August 12, 2013. Claimant appeared and testified. Participating on behalf of the Department of Human Services ("Department") were ██████████ and ██████████.

**ISSUE**

Whether the Department properly denied Claimant's June 7, 2013 application for Medical Assistance ("MA") and Food Assistance Program ("FAP") benefits.

**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 June 7, 2013, the Department received Claimant's application for MA and FAP benefits along with one paystub. (Exhibit 2)
2. On June 7<sup>th</sup>, the Department provided Claimant a Verification Checklist seeking additional income information with a due date of June 17<sup>th</sup>. (Exhibit 1)
3. Claimant did not submit requested information by the due date.
4. On July 3, 2013, the Department sent a Notice of Case Action to Claimant informing her that her MA and FAP application was denied based on the failure to submit the requested verifications. (Exhibit 3)

5. On July 10, 2013, the Department received Claimant's written request for hearing.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Reference Tables ("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 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.

The Food Assistance Program ("FAP"), formerly known as the Food Stamp 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, Rules 400.3001 through R 400.3015.

All countable earned and unearned income available to the client must be considered in determining the Claimant's eligibility for program benefits. BEM 500 (January 2013), p. 3. Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105 (March 2013), p. 5. The client must obtain the required verification; however, the Department must assist if needed and/or requested. BAM 105, p. 10; BAM 130 (May 2012), p. 3. Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. BAM 105, p. 5; BAM 130, p. 5.

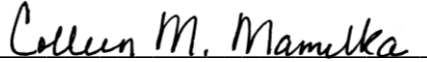
In this case, Claimant submitted an application for public assistance seeking MA and FAP benefits on June 7, 2013. In conjunction with the application, Claimant submitted one paystub. In response, the Department gave Claimant a Verification Checklist requesting, in part, additional paystubs. Claimant did not submit the requested verifications by the due date of June 17<sup>th</sup> resulting in the denial of the application on July 3, 2013. Ultimately, the Department established it acted in accordance with Department policy when it denied Claimant's application based on the failure to submit requested information. Accordingly, the Department's determination is AFFIRMED.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds the Department established it acted in accordance with department policy when it denied Claimant's June 7, 2013 application for FAP and MA benefits based on Claimant's failure to timely submit requested verifications which were necessary to determine program eligibility.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

  
**Colleen M. Mamelka**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: August 13, 2013

Date Mailed: August 13, 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 effect the substantial rights of the claimant:
  - the 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

CMM/tm

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