

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201359106
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: August 21, 2013
County: SSPC Central

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 21, 2013. Claimant appeared and testified. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department of Human Services properly deny Claimant's April 30, 2013, Medical Assistance (MA) and Food Assistance Program (FAP) application because he failed to provide required verifications?

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 April 30, 2013, Claimant applied for Medical Assistance (MA) and Food Assistance Program (FAP) benefits.
2. On May 1, 2013, Claimant was approved for expedited Food Assistance Program (FAP) benefits. Claimant was also sent a Verification Checklist (DHS-3503) requesting verification of his last 30 days of income. The required verifications were due on May 13, 2013.
3. On May 22, 2013, the Department had not received the required verifications. The Department denied Claimant's Medical Assistance (MA) application and closed Claimant's Food Assistance Program (FAP). Claimant was sent a Notice of Case Action (DHS-1605) stating the Medical Assistance (MA) was denied and the Food Assistance Program (FAP) would close on June 1, 2013.

4. On May 29, 2013, Claimant filed a hearing request along with two pay check stubs. The Department determined that the two pay stubs did not show Claimant's last 30 days of income so the closure of Food Assistance Program (FAP) remained.

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 Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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 1997 AACR 400.3001-3015

Medical Assistance (MA) programs and the Food Assistance Program (FAP) have different requirements regarding verifications for an application. For Medical Assistance (MA) applications Department of Human Services Bridges Administration Manual (BAM) 130 Verifications (2012) and Department of Human Services Bridges Administration Manual (BAM) 115 Application Processing (2013) govern verification requirements. In this case Claimant does not dispute that he did not submit any income verification by May 13, 2013, the due date. BAM 130 page 6 provides that a case notice action should be sent when the time period given to provide verifications has elapsed. BAM 115 provides that an application may not be denied until 10 days after a request to the applicant to provide missing information. In this case Claimant's Medical Assistance (MA) application was denied on the 21st day after his income verification was requested.

For a Food Assistance Program (FAP) application Department of Human Services Bridges Administration Manual (BAM) 115 Application Processing (2013) provides the specific verification requirements for an application. BAM 115 provides that if missing information is provided within 30 days of the date of application, the application is reinstated and processed. However, in this case the Department left the denial in place based on their assertion that the information provided on May 29, 2013 was not sufficient. Claimant asserted he does not get paid every week.

The two pay stubs submitted by Claimant were closely reviewed during this hearing. Each of the two is clearly payment for a 1 week period. The listed pay dates are two weeks apart, May 6 & 20, 2013. The May 5, 2013, check was for [REDACTED] the year to date pay listed as [REDACTED]. The May 20, 2013, check was also for \$100 and the year to date pay listed was [REDACTED]. Clearly Claimant had at least 3 pay checks during May. The Department's position is that the two pay stubs are not sufficient verification of Claimant's earned income. That position is correct. A detailed analysis of the evidence presented, applicable Department policies, and reasoning for the decision are contained

in the recorded record. During the hearing Claimant was informed of the decision and the reasoning behind the decision.

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 of Human Services properly deny Claimant's April 30, 2013 Medical Assistance (MA) and Food Assistance Program (FAP) application because he failed to provide required verifications.

It is ORDERED that the actions of the Department of Human Services, in this matter, are **UPHELD**.

/s/ _____
Gary F. Heisler
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 08/22/2013

Date Mailed: 08/26/2013

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 receipt 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.

201359106/GFH

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

GFH/sw

cc:

