

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

**IN THE MATTER OF:**

████████████████████  
████████████████████  
████████████████████

Reg. No.: 2014-1277  
Issue No.: 2006;3008  
Case No.: ██████████  
Hearing Date: November 4, 2013  
County: SSPC EAST (98)

**ADMINISTRATIVE LAW JUDGE:** Zainab Baydoun

**HEARING DECISION**

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a three way telephone hearing was held on November 4, 2013, from Detroit, Michigan. Claimant was not present. Participants on behalf of Claimant included her mother/Authorized Hearing Representative, ██████████. Participants on behalf of the Department of Human Services (Department) included ██████████, Assistance Payment Supervisor.

**ISSUE**

Did the Department properly deny Claimant's application for Medical Assistance (MA) and close her Food Assistance Program (FAP) case based on a failure to verify requested information?

**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 August 28, 2013, Claimant submitted an expedited application for FAP benefits and an application for MA benefits.
2. On August 30, 2013, the Department sent Claimant a Notice of Case Action approving her for expedited FAP benefits in the amount of ██████0 for the period of August 28, 2013 through August 31, 2013 and ██████00 for September 1, 2013 through September 30, 2013. (Exhibit 1, p.4)

3. On August 30, 2013, the Department sent Claimant a Verification Checklist (VCL), for which she was required to submit the requested verifications by September 9, 2013. (Exhibit 1, pp.10-11)
4. On September 18, 2013, the Department sent Claimant a Notice of Case Action informing her that her MA application was denied and that effective October 1, 2013, her FAP case would be closing on the basis that she did not provide the Department with the requested verifications. (Exhibit 1, pp. 18)
5. On September 30, 2013, Claimant submitted a hearing request disputing the Department's actions.

### **CONCLUSIONS OF LAW**

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

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

Additionally, verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (July 2013), 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 and FAP 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, pp.5-6. For MA 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. BAM 130, p. 7. 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. 6.

In this case, in connection with the application submitted on August 28, 2013, the Department sent Claimant a VCL requesting that verification of her wages in the form of 30 days worth of paystubs or employer statement, loss of employment, home rent and identity be returned to the Department by September 9, 2013. At the hearing, the Department testified that Claimant timely submitted verification of home rent but that only one pay stub was submitted and it did not cover a 30 day period.

The Department stated that because Claimant did not provide sufficient information of 30 days worth of paystubs or an employer statement by the due date, on September 18, 2013, the Department sent Claimant a Notice of Case Action informing her that her MA application was denied and that effective October 1, 2013, her FAP case would be closing on the basis that she did not provide the Department with the requested verifications. (Exhibit 1, pp. 18)

At the hearing, Claimant's representative confirmed that she received the VCL and stated that she submitted the verifications. Claimant's representative confirmed that only one pay stub was submitted and that her daughter gets paid biweekly. Claimant also stated that she did not submit an employer statement as an alternate method of verification of wages.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that because the Department did not receive all of the requested verifications by the September 9, 2013, due date, the Department acted in accordance with Department policy when it denied Claimant's MA application and closed her FAP case based on a failure to verify requested information.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.



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

Date Signed: November 5, 2013

Date Mailed: November 5, 2013

**NOTICE OF APPEAL:** 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.

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).

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

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/tm

cc:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]