

**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.: 2014-4103
Issue No.: 2006;3008
Case No.: ██████████
Hearing Date: November 7, 2013
County: Wayne (49)

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 telephone hearing was held on November 7, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist.

ISSUE

Did the Department properly close Claimant's Medical Assistance (MA) and Food Assistance Program (FAP) cases 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. Claimant was an ongoing recipient of FAP and MA benefits.
2. On August 28, 2013, the Department sent Claimant a Verification Checklist (VCL), for which he was required to submit verification of his son's employment by September 9, 2013, in order to determine Claimant's eligibility for FAP. (Exhibit 3)
3. On September 11, 2013, the Department sent Claimant a Notice of Case Action informing him that effective October 1, 2013, his FAP case would be closed based on a failure to submit verification of his son's employment. (Exhibit 4)
4. In connection with a redetermination, Claimant's eligibility to receive MA benefits was reviewed. (Exhibit 1)

5. The Department requested that verification of Claimant's Direct Express account be submitted by September 20, 2013.
6. On September 20, 2013, the Department sent Claimant a Notice of Case Action informing him that effective November 1, 2013, his MA and Medicare Savings Program (MSP) cases would be closed based on a failure to submit verification of his assets. (Exhibit 2)
7. On October 2, 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, the Department became aware that Claimant's son, a FAP group member, had gained employment at Northville Car Wash. The Department requested that Claimant submit verification of his son's employment in the form of 30 days of paystubs

or a completed Verification of Employment form by September 9, 2013. (Exhibit 3). The Department stated that because it did not receive the requested verifications by the due date and because it did not receive any communication from Claimant indicating that he was having difficulty submitting the information, it sent Claimant a Notice of Case Action informing him of the intended FAP case closure effective October 1, 2013. (Exhibit 4).

At the hearing, Claimant confirmed that he received the VCL and stated that he did not submit the verifications because his son was no longer living with him at the time and that his son would not provide Claimant with copies of his paystubs. Claimant confirmed however, that he did not report to the Department that his son was no longer living in the home and that he did not turn in the verifications by the due date. Therefore, the Department properly closed Claimant's FAP case based on a failure to verify requested information.

Additionally, in connection with his redetermination for MA, the Department requested that Claimant submit verification of his Direct Express account by September 20, 2013. The Department testified that because it did not receive the requested verification of assets by the due date and because it did not receive any communication from Claimant indicating that he was having difficulty submitting the verifications or requesting an extension, it sent Claimant a Notice of Case Action informing him that effective November 1, 2013, his MA and MSP cases would be closing based on a failure to verify requested information. (Exhibit 2).

At the hearing, Claimant confirmed that he did not submit the verification of his Direct Express account because he simply overlooked the request. Claimant also confirmed that he did not contact the Department to inform his worker that he was having difficulty in obtaining the information. Therefore, the Department properly closed Claimant's MA and MSP accounts based on a failure to verify requested information.

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 due dates, the Department acted in accordance with Department policy when it closed Claimant's FAP, MA and MSP cases based on a failure to verify requested information.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



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

Date Signed: November 12, 2013

Date Mailed: November 13, 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]