

**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.: 2014-6118
Issue No.: 2006; 3008
Case No.: ██████████
Hearing Date: November 20, 2013
County: SSPC – East (98)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 20, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ Department Manager.

ISSUES

Did the Department properly close Jason M. Johnson's (hereinafter referred to as "Claimant's boyfriend") Medical Assistance (MA) application effective September 1, 2013, ongoing, due to the failure to comply with the verification requirements?

Did the Department properly close Claimant's Food Assistance Program (FAP) application effective September 5, 2013, ongoing, due to the failure to comply with the verification requirements?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. In September 2013, Claimant applied online for FAP and MA benefits.
2. On September 10, 2013, the Department contacted Claimant for a FAP telephone interview.

3. During the telephone interview, Claimant indicated her group size is three (Claimant, her boyfriend, and their child); she had dependent care expenses; the boyfriend had self-employment income; and she indicated assets for checking and savings accounts.
4. On September 10, 2013, the Department sent Claimant a Notice of Case Action that notified Claimant that she and their child were approved for MA benefits effective September 1, 2013, ongoing. See Exhibit 1.
5. On September 10, 2013, the Department also sent Claimant a Verification Checklist (VCL) and Self-Employment Income and Expense Statement (hereinafter referred to as "self-employment verification"), which were all due back by September 20, 2013. See Exhibit 1.
6. Claimant failed to submit the requested verifications.
7. On September 24, 2013, the Department sent Claimant a Notice of Case Action notifying her that her boyfriend's MA application was denied effective September 1, 2013, ongoing, due to the failure to comply with the verification requirements. Exhibit 1.
8. On September 24, 2013, the Notice of Case Action also notified her that the FAP application was denied effective September 5, 2013, ongoing, due to the failure to comply with the verification requirements. Exhibit 1.
9. On September 28, 2013, Claimant filed a hearing request, protesting her boyfriend's MA denial and the FAP denial. See Exhibit 1.

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.

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (July 2013), p. 6. This includes completion of necessary forms. BAM 105, p. 6.

For FAP cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verifications it requests. BAM 130 (July 2013), p. 5. The Department sends a negative action notice when: the client indicates 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.

For MA cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verifications it requests. BAM 130, p. 6. If the client cannot provide the verification despite a reasonable effort, extend the time limit up to three times. BAM 130, p. 6. The Department send a case action notice when: the client indicates refusal to provide a verification, or the time period given has elapsed. BAM 130, p. 6.

In September 2013, Claimant applied online for FAP and MA benefits. On September 10, 2013, the Department contacted Claimant for a FAP telephone interview. During the telephone interview, Claimant indicated her group size is three (Claimant, her boyfriend, and their child); she had dependent care expenses; the boyfriend had self-employment income; and Claimant indicated assets for checking and savings accounts. See Hearing Summary, Exhibit 1. On September 10, 2013, the Department sent Claimant a Notice of Case Action that notified Claimant that she and their child were approved for MA benefits effective September 1, 2013, ongoing. See Exhibit 1. On September 10, 2013, the Department also sent Claimant a VCL and self-employment verification, which was all due back by September 20, 2013. See Exhibit 1. Specifically, the VCL requested verification of dependent care expenses, other self-employment (June – August 2013), savings/checking accounts, and Claimant's income. See Exhibit 1. Claimant failed to submit the requested verifications. On September 24, 2013, the Department sent Claimant a Notice of Case Action notifying her that her boyfriend's MA application was denied effective September 1, 2013, ongoing, due to the failure to comply with the verification requirements. Exhibit 1. On September 24, 2013, the Notice of Case Action also notified her that the FAP application was denied effective September 5, 2013, ongoing, due to the failure to comply with the verification requirements. Exhibit 1.

At the hearing, Claimant testified that she received the verification request. Claimant testified that it was taking additional time in receiving verification of the dependent care expenses. Additionally, Claimant testified that she did not understand and/or had difficulty in completing the self-employment verification. Claimant testified that she did not contact the Department seeking assistance and she also testified that she did not submit any of the verifications.

Based on the foregoing information and evidence, the Department properly denied Claimant's boyfriend MA application effective September 1, 2013, ongoing, in

accordance with Department policy. The Department also properly denied Claimant's FAP application effective September 5, 2013, ongoing, in accordance with Department policy. Claimant received the requested verifications and failed to submit the required documentations. It is evident that Claimant had difficulty in understanding or obtaining some of the verifications, but she failed to contact the Department in seeking any assistance. The Department acted in accordance in Department policy when in denied both benefits because Claimant failed to submit the requested verifications. Ultimately, the Claimant must cooperate with the local office in determining initial and ongoing eligibility by providing the necessary forms. BAM 105, p. 6.

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, if any, finds that the Department acted in accordance with Department policy when it (i) properly denied Claimant's boyfriend's MA application effective September 1, 2013, ongoing; and (ii) properly denied Claimant's FAP application effective September 5, 2013, ongoing.

Accordingly, the Department's FAP and MA decision is AFFIRMED.



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: November 26, 2013

Date Mailed: November 26, 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

EJF/cl

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