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

#### IN THE MATTER OF:



Reg. No.: Issue No.: Case No.: Hearing Date: County:

2013-63047 2006

October 24, 2013 Oakland (63-02)

#### **ADMINISTRATIVE LAW JUDGE:** Michael J. Bennane

## **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 October 24, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant

Participants on behalf of the Department of Human Services (Department) included

#### ISSUE

Due to a failure to comply with the verification requirements, did the Department properly  $\boxtimes$  deny Claimant's application  $\square$  close Claimant's case  $\square$  reduce Claimant's benefits for:

$\square$

Family Independence Program (FIP)?

Food Assistance Program (FAP)? Medical Assistance (MA)?

Adult Medical Program (AMP)?

State Disability Assistance (SDA)?

Child Development and Care (CDC)?

## **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:

- Claimant  $\boxtimes$  applied for  $\square$  received: 1. FIP FAP | SDA benefits.
- 2. Claimant was required to submit requested verification by July 15, 2013.

- On June 1, 2013, the Department
  △ denied Claimant's application.
  □ closed Claimant's case.
  □ reduced Claimant's benefits.
- 4. On August 1, 2013, the Department sent Claimant/Claimant's Authorized Representative (AR) notice of its action.
- 5. On August 6, 2013, Claimant/Claimant's Authorized Hearing Representative (AHR) filed a hearing request, protesting the Department's action.

## 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), and Department of Human Services Reference Tables Manual (RFT).

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, the Department sent Claimant a verification checklist requesting verification of Claimant's income by July 15, 2013. At the hearing, the Department testified that Claimant failed to comply with request for documentation of his income.

When the claimant failed to provide the verification, the Department moved correctly to deny the Claimant's application. BAM 130 (July 2013).

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 denied Claimant's MA application.
  - did not act in accordance with Department policy when it
  - ] failed to satisfy its burden of showing that it acted in accordance with Department policy when it

#### DECISION AND ORDER

Accordingly, the Department's decision is



and REVERSED IN PART with respect

Michael J. Bennane Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Date Signed: December 2, 2013

Date Mailed: December 3, 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

MJB/pf

# 2013-63047/MJB

