

**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.: 2014-10553
Issue No.: 2002;3002
Case No.: ██████████
Hearing Date: December 4, 2013
County: Oakland (04)

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 December 4, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included Yvelise Garcia, Eligibility Specialist.

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 September 16, 2013, Claimant submitted an expedited application for FAP benefits and an application for MA benefits.
2. Claimant was approved for expedited FAP benefits.
3. On September 24, 2013, an application interview was conducted during which Claimant reported that she cuts hair and is paid for her services.

4. On September 24, 2013, the Department sent Claimant a Verification Checklist (VCL), for which she was required to submit the requested verifications of her self-employment income by October 4, 2013. (Exhibit 1, pp.4-5)
5. On October 8, 2013, the Department sent Claimant a Notice of Case Action informing her that her MA application was denied and that effective November 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. 12-15)
6. On October 29, 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 September 16, 2013, the Department sent Claimant a VCL requesting that verification of Claimant's self-employment income and expense statements for the be returned to the Department by October 4, 2013. At the hearing, the Department testified that because Claimant did not submit the requested verifications by the due date, on October 8, 2013, it sent Claimant a Notice of Case Action informing her that her MA application was denied and that effective November 1, 2013, her FAP case would be closing on the basis that she did not provide the Department with the requested verifications.

At the hearing, Claimant's confirmed that she received the VCL and stated that she did inform the Department during the interview that she was earning income from cutting hair. Claimant testified that she did not submit the verifications because she did not have any to submit. Claimant testified that she does not cut hair often and that she only does when someone calls and asks for her services. Claimant stated that the last time she earned income this way was in July 2013.

After further review of the evidence presented, the case comments indicate that during the interview, Claimant informed the Department that in June 2013, she made \$50 by cutting hair, in July 2013, \$0, and in August 2013, \$150. (Exhibit 1, p.3). Additionally, with the VCL, the Department sent Claimant Self-Employment Income and Expense Statements for the months of June 2013, July 2013, and August 2013, which Claimant confirmed she did not complete and return. Claimant could have indicated on the income and expense forms that she did not earn any income in those months. The Department testified and Claimant confirmed that she did not contact the Department regarding the VCL until after her MA had been denied and the Notice of Case Action issued.

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 the requested verifications by the 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. Claimant is entitled to submit a new application for assistance, if desired.

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: December 9, 2013

Date Mailed: December 10, 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]
[REDACTED]