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

#### IN THE MATTER OF:



Reg. No.: 2014-13153 Issue No(s).: 2002, 3002

Case No.:

Hearing Date: December 18, 2013 County: DHS-SSPC-WEST

ADMINISTRATIVE LAW JUDGE: Darryl T. Johnson

### **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 18, 2013, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant, participants on behalf of the Department of Human Services (D epartment) included Eligibility Specialist

### ISSUE

Did the Department pr operly close Claimants Medicaid (MA) and Food Assistanc e Program (FAP) benefits?

#### FINDINGS OF FACT

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

- 1. Claimant submitted an application for MA and FAP for herself and her daughter.
- 2. On October 17, 2013, a Verification Checklist was mailed to Claimant requiring her to verify information including property—taxes, home insurance, bank acco—unts, income, and other financial information, with a due date of October 28, 2013.
- 3. Claimant did not provide any of the required documents by the due date.
- 4. On October 29, 2013, a Notice of Case Action was sent to Claim ant informing her that, while her daughter's MA and FAP were continue d, Claimant's MA and FAP were denied due to failure to v erify her information, and for failure to cooperate with child support requirements.
- 5. On November 8, 2013, Claimant submitted a Hearing Request.

# **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Human Service s Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), D epartment of Human Service es 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. It 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 Medic al Assistance (MA) program is est ablished by the Title XIX of the Socia I 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.

The Claimant testified that she submitted the documents re quired in the Verification Checklist by the due date, and that she atte mpted to cooperate with the Office of Child Support. She testified that she had comple ted the child support forms and submitted them, but has been unable to reach anyone at the Office of Child Support. She further testified that she received the Verifica tion Checklist after the due date. The Department's witness, on the other hand, testified that the materials requested in the checklist were never received by the Department.

"Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms; see Refusal to Cooperate Penalties in this item. Clie nts must complete ly and truthfully ans wer all questions on forms and in interviews." BAM 105.

The evidence is persuasive that the Verification Checklist was mailed to the Claimant at her address of record. The evidence also establishes that the Claimant did not respond by the deadline. Bec ause she did not comply by timely providing her verification, she was properly subject to negative action.

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 closed Claimant's FIP benefits, and decreased her FAP benefits.

# **DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED**.

Darryl T. Johnson
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: December 23, 2013

Date Mailed: <u>December 23, 2013</u>

**NOTICE OF APP EAL:** The claimant may appea I the Dec ision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, i f a timely Request for Rehearing or Reconsiderati on was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not order a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 disc overed evidence that existed at the time of the or iginal 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 clai mant must specify all reas ons 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

DTJ/las

cc: