

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 20146980
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: December 5, 2013
County: Clinton

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 5, 2013, from Lansing, Michigan. Claimant appeared and testified. Participants on behalf of the Department of Human Services (Department) included Lead Worker [REDACTED].

ISSUE

Did the Department properly deny Claimant's June 12, 2013, Food Assistance Program (FAP) application?

Did the Department determine the proper level of Medical Assistance (MA) eligibility for Claimant and her son on October 8, 2013?

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 June 12, 2013, Claimant submitted an application for Food Assistance Program (FAP) benefits.
2. On June 12, 2013, Claimant was sent a Verification Checklist (DHS Form 3503) requesting verification of information necessary to determine her eligibility. The required verifications were due on June 24, 2013.
3. On June 13, 2013, Claimant was sent a Notice of Missed Appointment (DHS-254) form.

4. On July 15, 2013, Claimant was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program (FAP) application was denied for failure to provide required verifications. The notice also informed Claimant of the Department's processing of subsequently received verifications.
5. On October 8, 2013, Claimant was sent a Notice of Case Action (DHS-1605) which stated that she and her son were covered by a Medical Assistance (MA) deductible beginning November 1, 2013.
6. On October 14, 2013, Claimant submitted a request for hearing for both Food Assistance Program (FAP) and Medical Assistance (MA).

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).

Food Assistance Program (FAP)

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.

In this case Claimant submitted her request for hearing within the required 90 days so her concerns about the June 12, 2013, application will be reviewed. During this hearing Claimant testified that she faxed in all the required verifications before July 1, 2013. Claimant testified that she: was in Massachusetts until July 1, 2013; took all the required documentation necessary to verify the items listed on the June 12, 2013 Verification Checklist (DHS Form 3503) (Pages 3 & 4) with her to Massachusetts; faxed all the required verifications from Massachusetts, before she returned to Michigan; but does not have a fax confirmation to submit into evidence. It is noted that the verifications required by the June 12, 2013, Verification Checklist include: vehicle ownership; vehicle value; current home insurance statement; home rent; bank account verifications; and other unearned income.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). In evaluating the credibility and weight to be given the testimony of a witness, the fact-finder may consider the demeanor of the witness, the

reasonableness of the witness's testimony, and the interest, if any, the witness may have in the outcome of the matter. *People v Wade*, 303 Mich 303 (1942), *cert den*, 318 US 783 (1943).

After using the legal principles cited above in considering the totality of the evidence in the record, this Administrative Law Judge is not convinced by preponderance that the Department received and misplaced all of Claimant's required verifications.

Medical Assistance (MA)

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.

During this hearing Claimant and her son's income and applicable expenses/needs were verified. Following the hearing both Claimant and her son's MA financial eligibility budgets were reviewed using the verified income and criteria in Department of Human Services Bridges Eligibility Manual (BEM) 536 (2013). Both budgets were found to be correct.

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 June 12, 2013, Food Assistance Program (FAP) application and determine the level of Medical Assistance (MA) eligibility for Claimant and her son on October 8, 2013.

DECISION AND ORDER

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

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 12/12/2013

Date Mailed: 12/13/2013

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

GFH/sw

cc:

