

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201316842
Issue No: 1005, 2006, 3008
Case No: [REDACTED]
Hearing Date: January 16, 2013
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received by the Department of Human Services (department) on December 3, 2012. After due notice, a telephone hearing was held on January 16, 2013. Claimant appeared and provided testimony. The department was represented by [REDACTED], a case manager with the department's Kalamazoo County office.

ISSUE

Whether the department properly closed Claimant's Food Assistance Program (FAP) benefits, Family Independence Program (FIP) benefits, and Medical Assistance (MA) benefits due to a failure to verify necessary information?

FINDINGS OF FACT

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

1. Claimant was a recipient of FAP, FIP, and MA benefits at all times relevant to this hearing.
2. On November 5, 2012, the department's Office of Inspector General received verification from Claimant's landlord that Claimant was no longer living at her last reported address of [REDACTED].
3. On November 5, 2012, the department mailed Claimant a Verification Checklist (DHS 3503) to her mailing address of [REDACTED], [REDACTED], requesting that Claimant immediately contact her specialist, [REDACTED], with a current address or phone number where she can be reached in order that the department may establish her continuing eligibility

for assistance. This information was due to the department by November 15, 2012. (Department Exhibit A)

4. Claimant neither contacted her specialist nor submitted the required verifications by the November 15, 2012 deadline.
5. On November 16, 2012, the department mailed Claimant a Notice of Case Action (DHS 1605), informing her that, effective December 1, 2012, her FAP, FIP, and MA benefits had been closed due to her failure to provide the required verifications. (Department Exhibit B)
6. On November 26, 2012, Claimant requested a hearing contesting the department's closure of her FAP, FIP, and MA benefits. (Request for Hearing)

CONCLUSIONS OF LAW

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600. The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

The Food Assistance Program (FAP) was established pursuant to the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The department administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.30001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (DHS or department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The Medical Assistance (MA) program was established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The department administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department policy indicates that clients must cooperate with the local office in determining initial and ongoing eligibility with all programs. BAM 105. This includes completion of the necessary forms. Clients who are able to but refuse to provide necessary information or take a required action are subject to penalties. BAM 105. Clients must take actions within their ability to obtain verifications. BAM 130; BEM 702. Likewise, DHS local office staff must assist clients who ask for help in completing forms. BAM 130; BEM 702; BAM 105.

Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. BAM 130. The department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested verification. BAM 130. If the client is unable to provide the verification despite a reasonable effort, the department must extend the time limit at least once. BAM 130. . For MA, if the client cannot provide the verification despite a reasonable effort, the time limit is extended up to three times. BAM 130. Should the client indicate a refusal to provide a verification or, conversely, if the time period given has elapsed and the client has not made a reasonable effort to provide it, the department may send the client a negative action notice. BAM 130.

In the instant case, Claimant is disputing the department's closure of her FAP, FIP, and MA benefits effective December 1, 2012 due to her failure to provide verification of her current address or phone number by November 15, 2012.

At the January 16, 2013 hearing, Claimant testified that she did receive the Verification Checklist that the department mailed to her. Claimant further testified that, upon receiving the Verification Checklist, she called her specialist, [REDACTED], and dropped off the requested verification at the Kalamazoo County office – however Claimant could not recall when she did so. [REDACTED] testified that the only phone call that she received from Claimant was on December 3, 2012, after Claimant's case had been closed, during which Claimant reported that she had filed a hearing request. Moreover, at this Administrative Law Judge's request, [REDACTED] examined the mail drop off sign-in logs at the Kalamazoo County branch office for the month of November 2012 and the logs contained no entry or signature by Claimant.

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).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record and finds that, based on the competent, material, and substantial evidence presented during the hearing, because Claimant failed to timely provide the department with verification of her current address or phone number by November 15, 2012, the department acted in accordance with policy in closing Claimant's FAP, FIP, and MA benefits effective December 1, 2012 for failure to provide the required verifications.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department acted in accordance with policy in closing Claimant's FAP, FIP, and MA benefits effective December 1, 2012 for failure to provide the required verifications. Accordingly, the department's determination is **UPHELD**.

IT IS SO ORDERED.

/s/_____

Suzanne D. Sonneborn
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 22, 2013

Date Mailed: January 23, 2013

NOTICE: Michigan Administrative Hearings 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 Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

The Claimant may appeal this Order to Circuit Court within 30 days of the receipt of the Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - Misapplication of manual policy or law in the hearing decision,

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- Typographical errors, mathematical errors, or other obvious errors in the hearing decision that affect the substantial rights of Claimant;
- The failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at:

Michigan Administrative Hearings System
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, MI 48909-07322

SDS/cr

cc:

