

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

IN THE MATTER OF:



Reg. No.: 201318759
Issue No.: 2006, 3008
Case No.: [REDACTED]
Hearing Date: April 4, 2013
County: Oakland County (#03)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Thursday April 4, 2013. Participants on behalf of Claimant included [REDACTED] (Wife). Participant on behalf of Department of Human Services (Department) was [REDACTED] (Assistant Payment Worker).

ISSUE

Whether the Department properly closed Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) due to failure to comply with the verification requirements

FINDINGS OF FACT

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

1. The Claimant and his spouse were ongoing FAP and MA recipients.
2. On August 14, 2012, the Department sent a redetermination packet to the Claimant due by September 12, 2012.
3. On September 27, 2012, the Department sent a verification checklist (VCL) to the Claimant requesting verification of his wife's wages for last 30 days due October 8, 2012. (Exhibit 1)

4. The Claimant did not submit the requested verifications, and on December 7, 2012, the Department pended the FAP benefits to close effective October 1, 2012 and the MA benefits to close effective January 1, 2013.
5. On December 19, 2012 the Department received Claimant's written hearing request disputing the action..

CONCLUSIONS OF LAW

The Department of Human Services (DHS) policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by 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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3001 through R 400.3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

Client's must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105 (November 2012), p. 5. The Department has the responsibility of telling the client what verification is required, how to obtain it, and the due date. BAM 130 (May 2012), p. 1. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130, p. 1. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130, p. 1. The client must obtain any required verification, however, the Department must assist if needed and/or requested. BAM 130, p. 3. Client's are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verification. BAM 130, p. 5. For FAP and MA purposes, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210 (November 2012). FAP clients have until the last day of the redetermination month or 10 days, whichever is later, to provide requested verifications; BAM 210. A FAP group loses the right to uninterrupted benefits if it fails to participate in the scheduled interview, submit the required verifications, or complete the application by the 15th of the redetermination month. BAM 210, p. 14.

A negative action notice is sent when the client indicates a refusal to provide the verification or the time period provided has lapsed and the client has not made a reasonable effort to provide the verification. BAM 130, p. 5. In FAP cases, a client will not be given an extension and their case will be denied once the verification checklist due date is passed. Program eligibility will be determined based on their compliance date if they return required verifications. The application will be re-registered if the client complies within 60 days of the application date and processed in accordance with policy. In MA cases if the client cannot provide the verification despite a reasonable effort an extension may be granted up to three times.

In this case, the Claimants acknowledged timely receipt of the verification checklist (VCL) sent on September 27, 2012, and understood what was requested and the expected return date. Claimant's wife testified that her employer faxed wage information to the Department on her behalf around September 8, 2012. However, she did not know exactly what information was faxed, nor could she provide proof of the fax transmittal. She further testified that she made no attempt to submit proof of wages for the last 30 days in response to the subsequent verification checklist sent by the Department on September 27, 2012. Evidence indicates that the Department did not receive all the necessary income verification as required by the due date. While the employer may have submitted some wage documentation it is unclear on this record what was sent, if it was received and whether the information was sufficient. Verification of monthly income is required in determining FAP and MA eligibility at redetermination. Notably, the Department afforded Claimant ample time to provide all the necessary documentation before action was taken on the case on December 7, 2012. Therefore, the Department established it acted in accordance with policy when it closed Claimant's FAP and MA benefits for failure to provide necessary verification.

Accordingly, the Department's action in regards to the FAP and MA benefits is upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department acted in accordance with policy when it closed claimant's FAP case effective October 1, 2012 and the MA case effective January 1, 2013 for failure to provide verification necessary to determine eligibility.

Accordingly, the Department's FAP and MA determination is hereby, **AFFIRMED**.

M. Howie

MICHELLE HOWIE
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 4/9/2013

Date Mailed: 4/9/2013

NOTICE: 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)

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 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,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the 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
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

MH/hw

cc:

