

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 20133144
Issue No.: 1000, 2006, 3000
Case No.: [REDACTED]
Hearing Date: March 21, 2013
County: Kent County DHS

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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 held on March 21, 2013 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] (Spanish/English Interpreter #8178) and [REDACTED] (Claimant). Participants on behalf of Department of Human Services (Department) included [REDACTED] [REDACTED] (Case Manager) and [REDACTED] (Family Independence Manager).

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly close Claimant's Medical Assistance (MA) case?

FINDINGS OF FACT

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

1. Claimant was actively receiving MA-LIF at all times.
2. On September 10, 2012, Claimant applied for Food Assistance Program (FAP) and Family Independence Program (FIP) benefits.
3. Claimant was provided with a Verification Checklist (DHS-3503).
4. Claimant was required to submit requested verification by September 24, 2012.
5. On September 12, 2012, the Department mailed Claimant a Notice of Case Action (DHS-1605) which: (1) closed Claimant's MA benefits effective October 1, 2012

because she “is not under 21, pregnant, a caretaker of a minor child in the home, not over 65 (aged), blind or disabled” and (2) approved for FAP in the amount of \$ [REDACTED]

6. On September 24, 2012, Claimant filed a generic hearing request regarding the loss of her “benefits.”

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in Mich Admin Code, R 400.901 through R 400.951. Rule 400.903 provides in relevant part:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because a claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by a Department action resulting in suspension, reduction, discontinuance, or termination of assistance. [R 400.903(1).]

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 1997 AACS R 400.3001-3015

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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130. Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. BAM 130. Verifications are considered timely if received by the date they are due. BAM 130.

For FIP and FAP, the department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested verification. BAM 130. For MA, the client has 10 days to provide requested verifications (unless policy states otherwise). BAM 130. For MA only, if the client cannot provide the verification despite a reasonable effort, the department worker may extend the time limit 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 matter, Claimant did not indicate on the request for hearing document any reasons why she requested a hearing and the Department was unable to conduct a prehearing conference. Although the precise nature of Claimant's request for a hearing was initially unclear, during the hearing she indicated that she requested a hearing concerning FAP, FIP and MA.

The Department provided evidence that at the time of Claimant's request for hearing, Claimant's application for FAP and FIP was still pending. In other words, the Department contends that the Department had not taken any negative action regarding her FIP or FAP application. With regard to Claimant's MA issue, the Department indicates that Claimant failed to provide verifications regarding her lost employment at Forge. Claimant contends that she provided the verification requests to her former employer (Forge) and that she believed Forge had forwarded it to the Department. Then, Claimant stated that she had requested Forge provide her with a copy of the fax transmission sheet, but Forge declined to provide her with a copy. Claimant's testimony in this regard was very unclear and she contradicted herself on more than on occasion.

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). 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). Moreover, it is for the fact-finder to gauge the demeanor and veracity of the witnesses who appear before him, as best he is able. See, e.g., *Caldwell v Fox*, 394 Mich 401, 407; 231 NW2d 46 (1975); *Zeeland Farm Services, Inc v JBL Enterprises, Inc*, 219 Mich App 190, 195; 555 NW2d 733 (1996).

This Administrative Law Judge finds that Claimant's FIP and FAP hearing request should be dismissed as the Department had not taken any negative action regarding these benefits. With regard to the MA case, the Department's DHS-1605 does not indicate that her MA was closed due to failure to cooperate, but it was due to ineligibility. The Department noted that because Claimant had failed to provide the requested employment verifications, the Department was unable to determine her continued MA eligibility.

This Administrative Law Judge finds that Claimant's explanations for the failure to provide the verifications to lack credibility. Here, the Department has shown that Claimant has failed to make a reasonable effort to provide all requested verification(s) within the required time period.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department properly closed Claimant's MA case.

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 did act properly with regard to Claimant's MA case.

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

This Administrative Law Judge further orders that Claimant's request for hearing concerning FIP and FAP be **DISMISSED** for lack of jurisdiction.

IT IS SO ORDERED.

/s/ _____
C. Adam Purnell
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: March 25, 2013

Date Mailed: March 26, 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

CAP/cr

cc:

