

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-32513
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: [REDACTED]
County: Macomb 12

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION AND ORDER DENYING ADJOURNMENT

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 [REDACTED], from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED], his attorney [REDACTED], the [REDACTED] arranged by [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Eligibility Specialist (ES), [REDACTED].

ISSUE

Did the Department properly deny Claimant's application close Claimant's case for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> Child Development and Care (CDC)? |
| <input checked="" type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Direct Support Services (DSS)? |
| <input type="checkbox"/> Adult Medical Assistance (AMP)? | <input type="checkbox"/> State SSI Payments (SSP)? |

FINDINGS OF FACT

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

1. Claimant applied for: FIP FAP MA AMP SDA CDC DSS SSP benefits.
2. On [REDACTED], the Department denied Claimant's application due to his failure to return the required verifications.

3. On [REDACTED], the Department sent Claimant its decision.
4. On [REDACTED], Claimant filed a hearing request, protesting the Department's actions.

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), and Department of Human Services Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

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.

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.

The Adult Medical Program (AMP) is established by 42 USC 1315 and is administered by the Department pursuant to MCL 400.10.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

Direct Support Services (DSS) is established by the Social Welfare Act, MCL 400.1-.119b. The program is administered by the Department pursuant to MCL 400.10 and 400.57a and Mich Admin Code R 400.3603.

The State SSI Payments (SSP) program is established by 20 CFR 416.2001-.2099 and the Social Security Act, 42 USC 1382e. The Department administers the program pursuant to MCL 400.10.

PROCEDURAL HISTORY: The Claimant originally submitted his hearing request on [REDACTED]. The hearing was scheduled for [REDACTED] at 2:30 p.m. On [REDACTED], the Department requested an adjournment of the hearing to obtain representation as the Claimant appeared for the hearing with his attorney, [REDACTED]. On [REDACTED], Administrative Law Judge [REDACTED] issued an Order Granting Adjournment. The hearing was then scheduled for [REDACTED] at 9:00 a.m. On [REDACTED], the Michigan Administrative Hearing System (MAHS) received the Claimant's request for an adjournment. On [REDACTED], Administrative Law Judge [REDACTED] issued an Order Granting Adjournment.

Also, on [REDACTED], secretarial staff from MAHS did telephone [REDACTED] office informing [REDACTED] staff that he needed to submit an appearance in this matter. On [REDACTED], [REDACTED] submitted his appearance via fax. The hearing was then scheduled for [REDACTED]. On [REDACTED], the Department submitted a request for adjournment because there was no representation from the [REDACTED] office available. This request apparently went unaddressed until such time as hearing. At that point in time, [REDACTED] objected to the adjournment and the Department's ES indicated that she was ready to proceed without counsel. As such, the Administrative Law Judge, by this decision, denies the Department's request for an adjournment. The hearing commenced on [REDACTED].

During the hearing, [REDACTED] had submitted proposed exhibits regarding the Claimant's medical condition. These exhibits were never admitted into evidence as the Administrative Law Judge finds that they are irrelevant to establish whether or not the Claimant submitted the required verification. Indeed, when [REDACTED] was asked to explain how they were relevant to the verification issue, he stated that he had submitted the exhibits for a different hearing. Upon checking with the MAHS staff, the Administrative Law Judge informed [REDACTED] that there were no other pending hearing requests for the Claimant. [REDACTED] insisted that he had filed a hearing request based on a DHS-1605, Notice of Case Action issued [REDACTED]. The Administrative Law Judge suggested to [REDACTED] that he file that hearing request again in the local office after the hearing, as MAHS had no record of it. The exhibits submitted by [REDACTED] are not considered as they are not relevant to the issue of whether or not the Claimant submitted the required verification so that his eligibility for MA could be determined.

Additionally, Bridges Assistance Manual (BAM) 130 (2012) p. 2, provides that the Department worker tell the Claimant what verification is required, how to obtain it and the due date by using a DHS-3503 Verification Checklist to request verification. In this

case, the Department did just that. BAM 130 (2012) p. 5, provides that verifications are considered to be timely if received by the date they are due. It instructs Department workers to send a negative action notice when the client indicates a refusal to provide a verification, or when the time period given has elapsed and the client has not made a reasonable effort to provide it.

The contested fact in this case was whether or not the Claimant submitted the verification requested by the Department. The Department testified that none of the verification requested was ever submitted. The Administrative Law Judge asked the Claimant directly, twice, when it was that he turned in the verification and he did reply that he turned it in this year. [REDACTED] asked the Claimant if he turned in the verification with 10 days of receiving the DHS-3503, Verification Checklist and the Claimant responded that he did. The Administrative Law Judge is not persuaded by this testimony as it is not at all specific and is responsive to a very leading question. The Claimant could not answer the question on his own with any specificity. The Department's testimony on this issue is specific and consistent in detail with other evidence in the record, and the Administrative Law Judge therefore determines that the Claimant did not submit any of the verification requested and did not request an additional extension of time so that he could submit the verification.

In this case, the Administrative Law Judge determines that the time period to submit the verification had lapsed and the Claimant had made no reasonable effort to provide the verification. As such, the Administrative Law Judge concludes that the Department has met its burden of establishing that it was acting in accordance with policy when taking action to close the Claimant's case for failure to submit the required verification.

The Administrative Law Judge, based upon 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 took action to deny the Claimant's application for MA.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

/s/ _____
Susanne E. Harris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 10/18/13

Date Mailed: 10/21/13

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

SEH/tb

cc:

