

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

**IN THE MATTER OF:**



Reg. No.: 2013-34224  
Issue Nos.: 2006, 3008  
Case No.: [REDACTED]  
Hearing Date: April 10, 2013  
County: Wayne (82-15)

**ADMINISTRATIVE LAW JUDGE:** Eric Feldman

**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 April 10, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

**ISSUES**

1. Due to Claimant's failure to comply with the verification requirements, did the Department properly close Claimant's Medical Assistance (MA) benefits?
2. Due to Claimant's failure to comply with the verification requirements, did the Department properly close Claimant's case for Food Assistance Program (FAP)?

**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  applied for  was receiving: FIP FAP MA SDA CDC.
2. Claimant was required to submit requested verification by February 25, 2013.
3. Claimant timely submitted the verification documents by the due date.
4. On March 1, 2013, the Department  
 denied Claimant's application.  
 closed Claimant's cases.  
 reduced Claimant's benefits .

5. On February 28, 2013, the Department sent notice of the
  - denial of Claimant's
  - closure of Claimant's cases.
  - reduction of Claimant's benefits.
  
6. On March 7, 2013, Claimant filed a hearing request, protesting the closure of her MA and FAP cases.

### **CONCLUSIONS OF LAW**

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

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1997 AACS R 400.3101-3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

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.

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 1998-2000 AACS R 400.3151-400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and 1997 AACS R 400.5001-5015.

Clients must cooperate with the local Department office in obtaining verification for determining initial and ongoing eligibility. BAM 105 (November 2012), p. 5. For MA and

FAP cases, allow the client 10 calendar days to provide the verification you request. BAM 130 (May 2012), p. 5. The client must obtain required verification, but the Department must assist if they need and request help. BAM 130, p. 3. If neither the client nor the Department can obtain verification despite a reasonable effort, use the best available information. BAM 130, p. 3. If no evidence is available, the Department uses its best judgment. BAM 130, p. 3. For FAP cases, if the client indicates refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it, then policy directs that a negative action be issued. BAM 130, p. 5. For MA cases, if the client indicates refusal to provide a verification or the time period given has elapsed, then policy directs that a negative action be issued. BAM 130, p. 6.

In the present case, the Department sent Claimant a Verification Checklist (VCL) requiring that she provide several verification documents by February 25, 2013. (Exhibit 2 - see Exhibit for list of required proofs) Claimant timely submitted the verification documents by the due date. However, the Department testified that Claimant failed to provide proof of verification of her loss of employment. Claimant testified that she provided her bank statement which showed proof of her last paycheck amount. The Department testified that the bank statement indicated her net income and that it required her gross income. Thus, in a February 28, 2013, Notice of Case Action, the Department notified Claimant the closure of her MA and FAP cases due to her failure to comply with the verification requirements.

At the hearing, Claimant presented as evidence a document indicating her proof of loss of employment which occurred on January 24, 2013. (Exhibit A) Claimant credibly testified that she provided this document to the Department with her submitted verification documents back on February 25, 2013. Thus, Claimant is alleging that she met the verifications requirements for proof of loss of employment by providing Exhibit A and her bank statement which indicated her last paycheck amount. However, the Department testified that it still needed her gross income for her last paycheck amount in order for her FAP benefits to continue. It should be noted that the February 13, 2013, VCL did request that Claimant also provide proof of her last 30 days of check stubs or earnings statements. If Claimant submitted such required documentation, then the gross income should have been indicated on such documentation. Nevertheless, Claimant credibly testified that she attempted to seek assistance with the VCL and tried to contact her caseworker everyday from February 13, 2013, through February 25, 2013, when the VCL was due. Claimant credibly testified that her caseworker never contacted her back for assistance. Claimant's caseworker, whom she was attempting to contact back in February 2013, was not present at the hearing. In light of the forgoing information and evidence, Claimant made a reasonable effort to provide the requested verification documents. BAM 130, p. 5. Claimant submitted proof of her loss of employment (Exhibit A) and also provided a bank statement indicating her net income of her last paycheck. Moreover, Claimant had credible testimony that she never received assistance with the VCL from the Department when Claimant requested it. BAM 130, p. 3. Thus, the Department did not act in accordance with Department policy when it closed Claimant's MA and FAP benefits.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated above and on the record, the Administrative Law Judge concludes that the Department

properly     improperly

closed Claimant's FAP and MA cases.

denied Claimant's application.

reduced Claimant's benefits.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated above and on the record, finds that the Department

did act properly     did not act properly.

Accordingly, the Department's decision is  AFFIRMED  REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Claimant's FAP case as of March 1, 2013;
2. Reinstate Claimant's MA case as of March 1, 2013;
3. Initiate reprocessing of the redetermination in accordance with Department policy;
4. Notify Claimant in writing of its decision in accordance with Department policy; and
5. Supplement for any lost FAP and MA benefits that Claimant was eligible to receive but did not from March 1, 2013, ongoing; if otherwise eligible and qualified in accordance with department policy.



**Eric Feldman**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: April 15, 2013

Date Mailed: April 15, 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 affect the substantial rights of the claimant:
  - 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

EJF/pf

cc:

