

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-44954
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: [REDACTED]
County: SSPC-WEST

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 [REDACTED] from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly deny the Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) application for failure to provide the Department with information necessary to determine his eligibility to receive benefits.?

FINDINGS OF FACT

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

1. On [REDACTED], the Claimant applied for Food Assistance Program (FAP) and Medical Assistance (MA).
2. On [REDACTED] the Department sent the Claimant a Wage Match Client Notice (DHS-4638) with a due date of [REDACTED].
3. On [REDACTED], the Department notified the Claimant that it had denied his request for Medical Assistance (MA) and closed his Food Assistance Program (FAP) as of [REDACTED].

4. The Department received the Claimant's request for a hearing on [REDACTED] [REDACTED] protesting the denial of Medical Assistance (MA) and closure of Food Assistance Program (FAP) benefits.

CONCLUSIONS OF LAW

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 1999 AC, R 400.3001 through Rule 400.3015.

The Medical Assistance (MA) program is established by 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 (DHS or 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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (March 1, 2013), p 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Department of Human Services Bridges Assistance Manual (BAM) 130 (May 1, 2012), p 1. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

In this case, the Claimant submitted an application for Medical Assistance (MA) and Food Assistance Program (FAP) benefits on March 12, 2013. On March 13, 2013, the Department sent the Claimant a Wage match Client Notice (DHS-4638) with a due date of April 12, 2013. The Department had requested verification of earned income from 2011. On April 23, 2013, the Department had not received the Claimant's employment verification documents and sent the Claimant notification that his request for Medical Assistance (MA) had been denied and his Food Assistance Program (FAP) benefits would close as of June 1, 2013.

The Claimant testified that he delivered the Wage Match Client Notice to his former employer that had laid him off on September 5, 2011. The Claimant testified that he presumed that his former employer would complete the form and forward it to the Department.

This Administrative Law Judge finds that the Claimant had a duty to provide the Department with information necessary to determine his eligibility to receive benefits. The Claimant was aware of what the Department had requested and although he had delegated this task to another person, the responsibility to supply the requested verification documents remained on the Claimant. Furthermore, no evidence was presented during the hearing to establish that the verification documents were delivered to the Department in a timely manner, or that the Claimant had requested assistance obtaining them from the Department.

The amount of income received by the Claimant in 2011 has no direct relationship with the Claimant's eligibility to receive Medical Assistance (MA) and Food Assistance Program (FAP) benefits in June of 2013.

However, Department policy requires that the Claimant comply with requests for information, and the Department's request for verification of income received is legitimate. Whether the closure of current benefits for failure to provide verification of past income is reasonable is not the issue to be decided by this hearing. This Administrative Law Judge is not aware of anything in Department policy limiting the scope of a request for employment verification, or the application of a failure to comply with that request in cases like this one.

Therefore, this Administrative Law Judge finds that the Department was acting in accordance with policy when it denied the Claimant's request for Medical Assistance (MA) and closed his Food Assistance Program (FAP) benefits.

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 when it denied the Claimant's request for Medical Assistance (MA) and closed his Food Assistance Program (FAP).

The Department's Medical Assistance (MA) and Food Assistance Program (FAP) eligibility determinations are **AFFIRMED**. It is **SO ORDERED**.

_____/s/_____
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 06/12/2013

Date Mailed: 06/12/2013

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

KS/kl

cc:

