

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

IN THE MATTER OF:



Reg. No.: 201348911
Issue No.: 2006, 3008
Case No.: [REDACTED]
Hearing Date: June 20, 2013
County: Wayne County (#43)

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 May 22, 2013 request for a hearing. After due notice, a telephone hearing was conducted on Thursday June 20, 2013 from Detroit, Michigan. The Claimant appeared and testified. Participant on behalf of Department of Human Services (Department) was [REDACTED] (Eligibility Specialist).

ISSUE

Whether the Department properly denied the Claimant's application for Food Assistance Program (FAP) and Medical Assistance (MA) due to failure to comply with the verification requirement?

FINDINGS OF FACT

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

1. On April 17, 2013, the Department received Claimant's application for MA and FAP benefits.
2. On May 2, 2013, the Department sent a quick note requesting Claimant submit verification of assets, income and medical bills for last 30 days due by March 13, 2013. (Exhibit 2)
3. The Claimant did not submit the requested verifications by the due date.

4. On May 6 and May 15, 2013, the Department sent Claimant two separate Notices of Case Action denying the application for MA due to Claimant having an active MA case under another case number #102855805; and denying the FAP benefits due to failure to provide verification.
5. On May 22, 2013, the Department received Claimant's written hearing request disputing the Department 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.

In determining initial and ongoing program eligibility Claimant's must cooperate with the local office to include the completion and submitting of the necessary forms. 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. If neither the client nor the Department is able to obtain verification despite reasonable effort, the Department should use the best available information. BAM 130, p. 3. If no evidence is available, the Department should use its best judgment. BAM 130, p. 3. Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verification. BAM 130, p. 5. 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 verifications. BAM 130, p. 5. Proof of assets and income are required when determining FAP and MA eligibility.

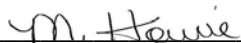
In this case, the Claimant submitted an application for MA and FAP benefits. The Department initiated processing and requested that Claimant submit required verifications by March 15, 2013. Claimant acknowledged receipt of the request for verification but did not submit the verification by the due date, nor request an extension. The Department representative testified that Claimant has an active MA case under another case number #102855805. An EDG case summary was presented by the Department as evidence of Claimant being approved for MA-SSI. (Exhibit 1) Claimant did not refute the testimony. Based on the evidence, the Department established it acted in accordance with policy when it denied Claimant's application for MA due to Claimant having an active case; and for FAP based on Claimant's failure to provide verification necessary to determine eligibility.

Accordingly, the Department's action 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 properly when it denied Claimant's April 17, 2013 application for FAP and MA benefits.

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



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

Date Signed: 6/28/2013

Date Mailed: 6/28/2013

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:

