

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

IN THE MATTER OF:

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██████████████████

Reg. No.: 2013-49231
Issue No.: 3008;2006
Case No.: ██████████
Hearing Date: June 26, 2013
County: SSPC-EAST

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 three way telephone hearing was held on June 26, 2013, from Detroit, Michigan. Claimant appeared and testified. Participating on behalf of the Department of Human Services (Department) was ██████████ ██████████, Departmental Manager, and ██████████ ██████████ Assistance Payment Worker.

ISSUE

Did the Department properly close Claimant's case for Medical Assistance (MA) and deny his application for Food Assistance Program (FAP) benefits?

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. On April 10, 2013, Claimant submitted an expedited application for FAP benefits and MA under the Adult Medical Program (AMP).
2. On April 11, 2013, the Department sent Claimant a Notice of Case Action informing him that he was approved for AMP for the period of April 1, 2013 ongoing. (Exhibit 1).
3. On April 12, 2013, an intake interview was conducted with Claimant.

4. On April 12, 2013, the Department sent Claimant a Notice of Case Action informing him that he was approved for FAP benefits in the amount of \$140.00 for the period of April 10, 2013 through April 30, 2013. (Exhibit 2).
5. On April 12, 2013, the Department sent Claimant a Verification Checklist (VCL) for which Claimant was required to submit requested verifications by April 22, 2013. (Exhibit 3)
6. On April 23, 2013 the Department sent Claimant a Notice of Case Action, informing him that the Department intended to close his FAP case effective May 1, 2013 and his AMP case effective June 1, 2013. (Exhibit 6)
7. On May 20, 2013, Claimant filed a hearing request, disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services 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, Rule 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 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.

Additionally, verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (May 2012), p.1. To request verification of information, the Department sends a Verification Checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, pp. 2-3. FAP and MA clients are given 10 calendar days to provide the verifications requested by the Department. For FAP cases, the Department sends a negative action notice when the client indicates a refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 5. For MA cases, the Department sends a negative action notice when the client indicates refusal to provide a verification, or the time period given has elapsed. BAM 130, p. 6. Only adequate notice is required for an application denial. Timely notice is required to reduce or terminate benefits. BAM 130, pp. 5-6. A timely notice is mailed at least 11 days before the intended negative action takes effect. The

action is pending to provide the client a chance to react to the proposed action. BAM 220 (November 2012), pp.3-4.

In this case, Claimant applied for expedited FAP and AMP benefits on April 10, 2013. Claimant completed the intake interview on April 12, 2013 at which time he informed the Department that he had self-employment income that was not previously reported. The Department sent Claimant a VCL on April 12, 2013 in connection with his application for FAP and AMP benefits. (Exhibit 3). Verification of Claimant's recent self-employment business receipts was due to the Department by April 22, 2013. (Exhibit 1). Also on April 12, 2013, the Department testified that it sent Claimant Self-Employment Income and Expense Statements for the months of January, February and March 2013, that Claimant was also required to complete and return to the Department by April 22, 2013. At the hearing, the Department testified that on April 24, 2013, it received a completed Self-Employment Income and Expense Statement for the month of February but none of the other verifications requested. Because Claimant did not provide the Department with the verifications that were requested, on April 23, 2013, it sent Claimant a Notice of Case Action, informing him that effective June 1, 2013, his AMP case would be closed due to a failure to verify self-employment income. (Exhibit 6). This Notice of Case Action also informed Claimant that his FAP case would be closed effective May 1, 2013; however, the Department did not provide page three of the Notice, which indicates the reason for the intended action. (Exhibit 6).

At the hearing, Claimant acknowledged that he received the VCL and the Self-Employment Income and Expense Statements for the months of January, February and March 2013. Claimant testified that he completed and returned all of the forms and provided the Department with all of the information requested at the same time. Claimant stated that he mailed all of the documents to the Department on April 22, 2013 and is not sure why the Department only received the Self-Employment Income and Expense Statement for the month of February. The Department testified that it attempted to contact Claimant after receiving only one of the requested verifications; however, Claimant's phone was disconnected.

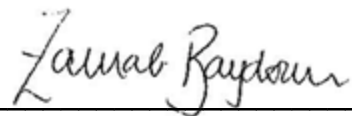
Verifications are considered to be timely if received by the date they are due. BAM 130, p.5. Claimant testified that he mailed the proofs to the Department on April 22, 2013, which was the date that they were due; however, he did not provide additional confirmation in the form of a postal receipt or dated copies of the documents that he submitted that day. Because the Department did not receive the February verifications until April 24, 2013, they were not timely provided by Claimant. Therefore, the Department did act in accordance with Department policy when it closed Claimant's AMP case for failure to verify requested information and provided him timely notice of the closure. BAM 220, pp.3-4.

Additionally, BAM 117 discusses the requirements for applicants requesting expedited FAP services. Food assistance applicant who did not provide all required verifications at application will not be issued benefits for subsequent months until the FAP applicant provides the waived verifications. BAM 117 (July 2011), p. 4. If waived verifications/actions are not met by the 10th day following the request, the benefit period

will expire at the end of the month and the Department will notify applicants of the denial of the application by sending a Notice of Case Action. BAM 117, p. 5;BAM 115 (May 2013), p. 18. Because the Department did not receive the February verifications until April 24, 2013 and none of the other verifications were received as of the hearing date, the Department did act in accordance with Department policy when it denied Claimant's application for FAP assistance and provided him adequate notice of the denial. BAM 220, pp.3-4.

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 in accordance with Department policy when it denied Claimant's application for FAP benefits and closed his MA case. Accordingly, the Department's decisions are AFFIRMED.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 3, 2013

Date Mailed: July 3, 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:

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- 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

ZB/cl

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[REDACTED]
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