

**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.: 2013-49868
Issue No.: 2006;3008
Case No.: ██████████
Hearing Date: July 1, 2013
County: Oakland (03)

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 telephone hearing was conducted on July 1, 2013 from Detroit, Michigan. Claimant appeared and testified. Participating on behalf of the Department of Human Services (Department) was ██████████, Family Independence Manager, and ██████████n, Eligibility Specialist. ██████████ from the Office of Child Support also participated.

ISSUE

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

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 submitted an application for FAP and MA on April 8, 2013. (Exhibit 1)
2. On April 23, 2013, the Department sent Claimant a Verification Checklist (VCL) for which Claimant was required to submit requested verifications by May 3, 2013. (Exhibit 2)
3. On May 14, 2013, the Department sent Claimant a Notice of Case Action informing her that her FAP application had been denied.

4. The Department sent Claimant a Notice of Case Action informing her that her MA application had been denied based on a failure to verify and noncooperation with child support. (Exhibit 3)
5. On May 22, 2013, Claimant filed a hearing request disputing the Department's actions.

CONCLUSIONS OF LAW

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

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.

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 through Rule 400.3015.

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. Verifications are considered to be timely if received by the date they are due. BAM 130, p.5. 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 a refusal to provide a verification or the time period given has elapsed. BAM 130, pp.6-7.

Additionally, the custodial parents of children must comply with all requests for action or information needed to establish paternity and/or obtain child support on behalf of children for whom she receives assistance, unless a claim of good cause for not cooperating has been granted or is pending. BEM 255 (December 2011), pp. 1, 10-11. At application, client has 10 days to cooperate with the OCS. Bridges informs the client

to contact the OCS in the VCL. BEM 255, p.10. A client's cooperation with paternity and obtaining child support is a condition of FAP and MA eligibility. BEM 255, pp. 1, 9-11. Any individual required to cooperate who fails to cooperate without good cause may result in group ineligibility or member disqualification for FAP and MA. BEM 255, pp. 9-11.

In this case, Claimant submitted an application for FAP and MA on April 8, 2013. (Exhibit 1). On April 23, 2013, the Department sent Claimant a Verification Checklist (VCL) for which Claimant was required to submit requested verifications. Verification of Claimant's mortgage, self-employment income, checking account, citizenship, vehicle ownership and value and lot rent was due to the Department by May 3, 2013. BAM 130, pp. 2-3; (Exhibit 2). Claimant was also instructed to contact the Office of Child Support (OCS) to comply with child support requirements. BEM 255, p.10; (Exhibit 2). The Department testified that it timely received all of the requested verifications except for Claimant's checking account information. The Department stated that because Claimant failed to timely submit verification of her checking account information and because she did not contact the OSC and attempt to cooperate with child support, it sent Claimant a Notice of Case Action on May 14, 2013 denying her application for FAP. The Department did not present a copy of the May 14, 2013 Notice of Case Action denying the FAP application at the hearing; however, testimony was provided that one was sent. On May 30, 2013, the Department sent Claimant a Notice of Case Action informing her that her MA application had also been denied due to noncooperation with child support and a failure to verify information necessary to determine eligibility. BAM 130, pp.6-7; (Exhibit 3).

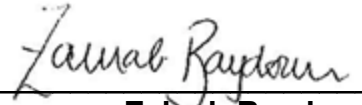
At the hearing, Claimant confirmed that she submitted all of the requested verifications except for the checking account information. Claimant stated that she had instructed her bank to send the checking account information to the Department and that she thought that the bank submitted the information on May 2, 2013. Claimant further testified that she made several attempts to contact the OCS at the number provided on the VCL, but that she was not able to reach anyone. The representative from the OCS stated that it did not receive any phone calls from Claimant in 2013 and that the last time it had received any communication from Claimant was in July 2010 when Claimant was instructed to provide a copy of her divorce decree from Turkmenistan.

Because the Department did not timely receive verification of Claimant's checking account information and because Claimant was in noncooperation with child support obligations, the Department acted in accordance with Department policy when it denied Claimant's applications for FAP and MA. Claimant was informed that in order to be in cooperation with child support, she needed to provide the Department with a copy of her official divorce decree.

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 in

accordance with Department policy when it denied Claimant's FAP and MA applications based on a failure to verify and failure to cooperate with child support. Accordingly, the Department's decisions with respect to FAP and MA are AFFIRMED.



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

Date Signed: July 9, 2013

Date Mailed: July 9, 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

ZB/cl

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[REDACTED]
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