

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-53186  
Issue No.: 3019  
Case No.: [REDACTED]  
Hearing Date: July 17, 2013  
County: Wayne (82-19)

**ADMINISTRATIVE LAW JUDGE:** Jonathan W. Owens

**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 July 17, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

**ISSUE**

Did the Department properly  deny Claimant's application  close Claimant's case for:

- |  |   |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)?        | <input type="checkbox"/> Adult Medical Assistance (AMP)?    |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Medical Assistance (MA)?                  | <input type="checkbox"/> Child Development and Care (CDC)?  |

**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  applied for benefits  received benefits for:

- |  |   |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP).        | <input type="checkbox"/> Adult Medical Assistance (AMP).    |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input type="checkbox"/> Medical Assistance (MA).                  | <input type="checkbox"/> Child Development and Care (CDC).  |

2. On July 1, 2013, the Department  
 denied Claimant's application       closed Claimant's case  
due to a failure to provide verification of income.
  
3. On June 7, 2013, the Department sent  
 Claimant       Claimant's Authorized Representative (AR)  
notice of the       denial.       closure.
  
4. On July 17, 2013, Claimant filed a hearing request, protesting the  
 denial of the application.       closure of the case.

### **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 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, Rule 400.3001 through Rule 400.3015.

In the instant case, Claimant received FAP benefits. Claimant filed an application for Medical Assistance (MA) benefits on April 26, 2013. In this application, Claimant acknowledged employment. On May 10, 2013, the Department issued a verification checklist and DHS-38 verification employment forms. These forms were due back by May 20, 2013. On June 7, 2013, the Department initiated FAP case closure after not receiving the requested verifications.

Claimant testified she did not receive the request for verifications. Claimant testified she did have issues with receiving her mail. Claimant indicated she had reported the issue to the postal service a couple months ago. Claimant was not able to give the exact date she reported the issue. Claimant provided no documents or evidence to demonstrate she had an issue with mail service or that an issue had been reported. Claimant verified her mailing address. This address matched the address listed on the verification checklist. The Department testified the verification checklist was mailed out from a central print and not through the local office. Under these facts, Claimant has failed to sufficiently rebut the presumption that she received the verification of employment. See *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270, 275-278 (1976).

According to Department policy found in BEM 130, verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. BEM 130 (May 2012), p. 1. Here, Claimant reported an income change when she submitted an application for MA benefits. The Department then sent a verification request to satisfy BEM 130. Claimant is required by policy to take actions within her

ability to obtain verifications. BAM 105 (March 2013), p. 8. Based on the above, the Department properly initiated negative action after the deadline to supply the requested verifications had passed and Claimant had not demonstrated a reasonable effort to provide it. BAM 130 (May 2012), p. 5.

It is noted the Department failed to remove the negative action upon receipt of a timely hearing notice. Claimant filed a timely hearing request which should have prompted the Department to delete the negative action and continue benefits until a hearing decision had been issued. Given, however, Claimant has been found to have not complied with the policy regarding verifications and this Administrative Law Judge's finding that the Department correctly initiated closure, this error is found harmless as any benefit that could have been issued would be subject to recoupment following this decision.

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


properly denied Claimant's application       improperly denied Claimant's application  
 properly closed Claimant's case               improperly closed Claimant's case

for:    AMP    FIP    FAP    MA    SDA    CDC.

**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 properly.       did not act properly.

Accordingly, the Department's  AMP    FIP    FAP    MA    SDA    CDC decision is  AFFIRMED    REVERSED for the reasons stated on the record.

  
\_\_\_\_\_  
**Jonathan W. Owens**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: July 18, 2013

Date Mailed: July 18, 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

JWO/pf

cc:

