

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

IN THE MATTER OF:



Reg. No.: 2013-55797
Issue No.: 2006, 3008
Case No.: [REDACTED]
Hearing Date: July 29, 2013
County: Oakland DHS (03)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 29, 2013, from Detroit, Michigan. Participants included the above-named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly terminated Claimant's Food Assistance Program (FAP) and Adult Medical Program (AMP) eligibility due to Claimant's failure to submit income verifications.

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 was an ongoing FAP and AMP benefit recipient.
2. Claimant's benefit eligibility was scheduled for review prior to the end of 4/2013.
3. Claimant was self-employed.
4. On 4/3/13, Claimant submitted Redetermination documents to DHS, but not self-employment income verification documents.
5. On 4/30/13, DHS mailed Claimant a Verification Checklist (Exhibits 4-5) requesting proof of Claimant's self-employment income.

6. In response to the VCL, Claimant returned to DHS, a tax return that was half blank.
7. On an unspecified subsequent date, Claimant returned a tax document which failed to establish Claimant's income.
8. On 5/24/13, DHS mailed Claimant a Notice of Case Action informing Claimant of a termination of AMP benefits, effective 7/2013, and FAP benefits, effective 5/2013, both terminations due to a failure Claimant to verify self-employment income.
9. On 6/25/13, Claimant requested a hearing to dispute the FAP and AMP benefit terminations.

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 Mich Admin Code, R 400.3001 through R 400.3015. DHS regulations are found 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. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

The redetermination process begins with DHS mailing a redetermination packet in the month prior to the end of the benefit period. BAM 210 (5/2012), p. 5. For FAP, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. *Id.*, p. 3. If the client does not complete the redetermination process, DHS is to allow the benefit period to expire. *Id.*, p. 2.

For AMP benefit redeterminations, verifications are due the same date as the redetermination/review interview. *Id.*, p. 11. When an interview is not required, verifications are due the date the packet is due. *Id.* Bridges (the DHS database) allows clients a full 10 calendar days from the date the verification is requested (date of request is not counted) to provide all documents and information. *Id.* Bridges gives timely notice of the negative action if the time limit is not met. *Id.*

For FAP benefit redeterminations, verifications must be provided by the end of the current benefit period or within 10 days after they are requested, whichever allows more time. *Id.*, p. 12 If the 10th day falls on a weekend or holiday, the verification will not be due until the next business day. *Id.*

Claimant testified that she submitted self-employment verifications to DHS on 4/3/13, the same date that she submitted a Redetermination. Claimant testified that she submitted her income documents electronically through a DHS document submission application. Claimant also testified that her assigned specialist specifically told her that the submitted verifications were received but unacceptable.

Claimant's specialist testified that Claimant did not submit verifications with the Redetermination. The specialist also testified that she could not have informed Claimant that a verification submission was unacceptable because the specialist had not received any income verifications.

During the hearing, the DHS specialist and Claimant were sent to check the DHS system for submitting documents electronically. It was not disputed that Claimant's submission from 4/3/13 failed to include income verifications. It is found that Claimant did not submit income documents to DHS with the submitted Redetermination.

Claimant also testified that she submitted income verifications on two future occasions. DHS conceded Claimant's testimony was accurate, but that one submission was a half-blank page tax form which failed to identify Claimant's income, and a second submission was another tax form which did not list Claimant's income. The DHS testimony was credible, in part, because it was thoroughly detailed in the Hearing Summary.

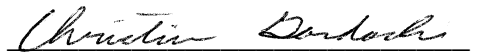
Claimant testified that she left multiple voicemails for her specialist asking for a confirmation of Claimant's alleged income submissions. Claimant also testified that the specialist failed to return all of Claimant's calls. Claimant contended the DHS failure to return Claimant's calls should negate the benefit terminations. Claimant's DHS specialist did not recall any voicemails from Claimant.

Claimant's credibility was severely diminished by her claim that her specialist conceded receiving income documents with the Redetermination, which was proved to be untrue. Even conceding that Claimant's testimony was true, a failure by DHS to confirm receipt of a verification does not negate Claimant's responsibility to submit the verification.

The evidence established that Claimant was informed of the obligation to submit income verifications by a Redetermination and a Verification Checklist. It was also believed that Claimant was verbally informed of the obligation, based on testimony from the DHS specialist. The evidence established that Claimant failed to submit acceptable verification of income despite multiple opportunities. Accordingly, the terminations of AMP and FAP benefits are found to be proper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's FAP benefit eligibility, effective 5/2013, and AMP benefit eligibility, effective 7/2013. The actions taken by DHS are AFFIRMED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 8/7/2013

Date Mailed: 8/7/2013

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

CG/hw

cc:

