

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201355821
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: August 1, 2013
County: Washtenaw

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on August 1, 2013. Claimant appeared and testified. The Department was represented by [REDACTED] and [REDACTED].

ISSUE

Did the Department of Human Services properly deny Claimant's April 30, 2013, Adult Medical Program (AMP) application for failure to provide required verifications?

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) on July 1, 2013 for failure to provide required verifications?

FINDINGS OF FACT

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

- (1) Claimant was an ongoing recipient of Food Assistance Program (FAP) benefits.
- (2) On April 30, 2013, Claimant submitted an application for Adult Medical Program (AMP) benefits.
- (3) On May 28, 2013, Claimant was sent a Verification Checklist (DHS Form 3503) for eligibility determination of Medical Assistance (MA) and Food Assistance Program (FAP). The requested proofs were due by June 7, 2013.

- (4) On June 10, 2013, the Department case worker returned Claimant's telephone call and left a message that the verifications could be submitted until June 11, 2013.
- (5) On June 12, 2013, Claimant was sent a Notice of Case Action (DHS-1605) which stated the Adult Medical Program (AMP) application was denied and her Food Assistance Program (FAP) would close on July 1, 2013.
- (6) On June 13, 2013, Claimant sent an Email to DHS with the three required verifications attached.
- (7) On June 24, 2013, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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 of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Policy regarding verifications for the two programs was different because the status of the programs was different. The Adult Medical Program (AMP) was in application status and the Food Assistance Program (FAP) was ongoing during an annual certification period.

Adult Medical Program (AMP)

For the Adult Medical Program (AMP) application policy directions are contained in Department of Human Services Bridges Administration Manual (BAM) 115 Application Processing (2013) and Department of Human Services Bridges Administration Manual (BAM) 130 Verification and Collateral Contacts (2012).

BAM 115 page 13 provides a 45 day standard of promptness for an AMP application. The AMP application in this case was submitted on April 30, 2013 so the Department was required to determine eligibility by June 14, 2013. BAM 130 directs:

MA and AMP

Allow the client 10 calendar days (or other time limit specified in policy) to provide the verification you request. Refer to policy in this item for citizenship verifications. If the client cannot provide the verification despite a reasonable effort, extend the time limit up to three times.

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email or MI Bridges document upload), the date of the transmission is the receipt date.

Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a DHS representative are considered to be received the next business day.

Send a case action notice when:

- The client indicates refusal to provide a verification, **or**
- The time period given has elapsed.

Claimant did request an extension of time to provide the required verifications. Due to voicemail problems, Claimant was unable to request the extension directly from the case worker handling her application but was able to contact the local office and make the request. The result of the request was the June 10, 2013, telephone message from the processing case worker giving an extension until June 11, 2013. That does not comply with Department policy. The initial time period to provide verifications is 10 days. An extension is also for 10 days. Because the verifications were initially due on June 7, 2013, an extension would not end until June 17, 2013. The evidence in this record shows that Claimant submitted ALL the required verifications on June 13, 2013. Denial of the application for failure to provide required verifications was not a correct action.

Food Assistance Program (FAP)

For the Food Assistance Program (FAP) policy directions are contained in Department of Human Services Bridges Administration Manual (BAM) 220 Case Actions (2013) and Department of Human Services Bridges Administration Manual (BAM) 130 Verification and Collateral Contacts (2012).

BAM 220 page 8 defines closure of an assistance program as a negative action. Page 8 also directs that non-income related FAP changes are processed in order to affect the benefit month that occurs 10 days after the change is reported. These policies are the reason Claimant's FAP was not going to change until July 1, 2013.

BAM 220 page 10 provides that when a client provides information that meets the requirement that caused a negative action, before the negative action effective date, that negative action should be removed. In this case the negative action effective date for Claimant's Food Assistance Program (FAP) program was July 1, 2013. Claimant

provided the required verifications on June 13, 2013. The negative action on Claimant's FAP should be removed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly deny Claimant's April 30, 2013, Adult Medical Program (AMP) application for failure to provide required verifications nor close Claimant's Food Assistance Program (FAP) on July 1, 2013, for failure to provide required verifications.

It is ORDERED that the actions of the Department of Human Services, in this matter, are **REVERSED**.

It is further ORDERED that Claimant's April 30, 2013, Adult Medical Program (AMP) application and Food Assistance Program (FAP) be reinstated and processed in accordance with department policy.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 08/09/2013

Date Mailed: 08/09/2013

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 receipt 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

GFH/sw

cc:

