

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

**IN THE MATTER OF:**

██████████  
██  
████████████████████

Reg. No.: 2014-21447  
Issue No(s): 2002; 3002  
Case No.: ██████████  
Hearing Date: February 6, 2014  
County: Oakland (04)

**ADMINISTRATIVE LAW JUDGE:** Eric Feldman

**HEARING DECISION**

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on February 6, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and Claimant's Authorized Hearing Representative (AHR), ██████████ Service Coordinator. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ Eligibility Specialist.

**ISSUE**

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

**FINDINGS OF FACT**

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

1. On December 13, 2013, Claimant applied for FAP and MA benefits.
2. On December 16, 2013, the Department sent Claimant a Verification Checklist (VCL), which requested verification of Claimant's savings account and it was due back by December 26, 2013. See Exhibit 1.
3. Claimant failed to submit her verifications.

4. On December 27, 2013, the Department sent Claimant a Notice of Case Action notifying her that her MA application was denied effective December 1, 2013, ongoing, due to her failure to comply with the verification requirements. See Exhibit 1.
5. On December 27, 2013, the Notice of Case Action also notified Claimant that her FAP application was denied effective December 13, 2013, ongoing, due to her failure to comply with the verification requirements. See Exhibit 1.
6. On January 3, 2014, Claimant filed a hearing request, protesting the MA and FAP denial. See Exhibit 1.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (October 2013), p. 6. This includes completion of necessary forms. BAM 105, p. 6.

For FAP cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verifications it request. BAM 130 (July 2013), p. 5. The Department sends a negative action notice when: the client indicates 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. 6.

For MA cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verifications it request. BAM 130, p. 6. If the client cannot provide the verification despite a reasonable effort, extend the time limit up to three times. BAM 130, p. 6. The Department sends a case action notice when: the

client indicates refusal to provide a verification, or the time period given has elapsed. BAM 130, p. 7.

In this case, on December 13, 2013, Claimant applied for FAP and MA benefits. On December 16, 2013, the Department sent Claimant a VCL, which requested verification of Claimant's savings account and it was due back by December 26, 2013. See Exhibit 1. The Department testified that it never received verification of her bank account. Additionally, the Department testified that multiple calls were conducted between Claimant and/or the AHR in which they stated the AHR dropped off the verification at the local DHS office. The Department testified that it checked the log reception area and did not locate any submission of the verification on or around the due date. Thus, on December 27, 2013, the Department sent Claimant a Notice of Case Action notifying her that her MA application was denied effective December 1, 2013, ongoing, due to her failure to comply with the verification requirements. See Exhibit 1. On December 27, 2013, the Notice of Case Action also notified Claimant that her FAP application was denied effective December 13, 2013, ongoing, due to her failure to comply with the verification requirements. See Exhibit 1.

At the hearing, Claimant's AHR testified that he dropped off the bank verification before the due date. The AHR, though, testified that he did not sign the logbook. The AHR testified that he is responsible for many clients and when he drops off the documentation, he has 4-5 clients' documentation to drop off. The AHR did not provide a copy of the bank verification to show that it was dropped off before the due date.


Based on the foregoing information and evidence, the Department properly denied Claimant's FAP and MA application in accordance with Department policy. The Department presented credible testimony that it did not receive the requested verification. The Department testified that it checked the log reception area and did not discover any verification submission. Moreover, even though the AHR testified he dropped off the verification before the due date, he failed to sign the logbook. Due to the AHR's failure to sign the logbook, it was not possible during the hearing to verify if he indeed submitted such documentation. Moreover, The AHR did not provide a copy of the bank verification to show that it was dropped off before the due date. Nevertheless, Claimant must cooperate with the local office in determining her initial and ongoing FAP and MA eligibility. BAM 105, p. 6. Because the Claimant failed to submit the requested verification, the Department properly denied Claimant's FAP and MA application in accordance with Department policy. BAM 105, p. 6 and BAM 130, pp. 5-7.

### **DECISION AND ORDER**

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it (i) properly denied Claimant's FAP

application effective December 13, 2013, ongoing; and (ii) properly denied Claimant's MA application effective December 1, 2013, ongoing.

Accordingly, the Department's FAP and MA decision is AFFIRMED.



**Eric Feldman**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: February 11, 2014

Date Mailed: February 11, 2014

**NOTICE OF APPEAL:** 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-07322

EJF/cl

cc:

[REDACTED]  
[REDACTED]  
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