

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

IN THE MATTER OF:



Reg. No.: 2014-22740
Issue No(s): 2001;3002
Case No.: [REDACTED]
Hearing Date: February 13, 2014
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 13, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], [REDACTED], Assistance Payment Worker and [REDACTED], Family Independence Manager.

ISSUE

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

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 October 29, 2013, Claimant submitted an application for MA benefits.
2. On November 18, 2013, Claimant submitted an application for FAP benefits.
3. On November 20, 2013, in connection with her FAP application, the Department sent Claimant a Verification Checklist requesting that she submit verification of her loss of employment and checking account to the Department by December 2, 2013. (Exhibit 1)

4. On December 4, 2013, the Department sent Claimant a Notice of Case Action informing her that her FAP application had been denied based on a failure to provide verifications requested. (Exhibit 3)
5. On January 2, 2014, Claimant submitted a hearing request disputing the Department's actions.

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).

FAP

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.

Additionally, verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (July 2013), p.1. To request verification of information, the Department sends a verification checklist which tells the client what verification is required, how to obtain it, and the due date. BAM 130, pp. 2-3. Although the client must obtain the required verification, the Department must assist if a client needs and requests help. If neither the client nor the Department can obtain the verification despite a reasonable effort, the Department is to use the best available information; and if no evidence is available, the Department is to use its best judgment. BAM 130, p. 3.

With respect to FAP cases, 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, pp.5-6. 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. 6.

In this case, in connection with the application submitted, the Department sent Claimant a VCL requesting that verification of her loss of employment, and checking account statement be submitted by December 2, 2013. (Exhibit 1). At the hearing, the Department testified that on December 2, 2013, Claimant timely submitted verification of her loss of employment, however, the documents submitted from Claimant's bank were not regarding her checking account. (Exhibit 2). The Department stated that because all of the requested verifications were not submitted by the due date, the Department sent Claimant a Notice of Case Action denying the FAP application. (Exhibit 3).

The Notice of Case Action also indicates that the Department denied Claimant's FAP application on the basis that she or a group member failed to participate in employment and or self sufficiency related activities or quit a job, were fired or reduced hours of employment without good cause and is therefore, disqualified. (Exhibit 3). The Department failed to present any evidence establishing that Claimant is subject to disqualification, as referenced in BEM 230B and BEM 233B, however. Therefore, the denial of the application for that reason is improper.

At the hearing, Claimant confirmed that she received VCL and stated that in response, she faxed the Department the requested verifications. Claimant testified that she thought that the documents she submitted from her bank were what the Department was asking for, but later confirmed that the documents submitted were not related to her checking account. Claimant stated that as of the hearing date, she had not yet submitted the verification of her checking account statement to the Department.

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 denied Claimant's FAP application.

MA

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.

Additionally, Claimant requested a hearing to dispute the Department's actions with respect to her MA application. At the hearing, the Department testified that Claimant submitted an application for MA on October 29, 2013. The Department stated that Claimant's MA application was not processed when it was first received because it was overlooked by the Department. The Department testified that Claimant's application was later processed and that as of the hearing date, a decision had not yet been made on the application. Claimant indicated that she received a letter from the Department informing her that her MA application had been denied, however.

The Department failed to present any evidence in support of its testimony and was unable to provide any information concerning the status of Claimant's MA application.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it processed Claimant's MA application.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED IN PART with respect to the denial of Claimant's FAP application and REVERSED IN PART with respect to the processing of Claimant's MA application.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Register and process Claimant's October 29, 2013, MA application to determine her eligibility for MA from the date of application, ongoing;
2. Issue supplements to Claimant for any MA benefits that she was entitled to receive but did not from the date of application, ongoing; and
3. Notify Claimant of its decision in writing.



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

Date Signed: February 18, 2014

Date Mailed: February 14, 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

ZB/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]