

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

**IN THE MATTER OF:**



New Reg. No.: 201419676  
Old Reg. No.: 201331648  
Issue No.: 2002, 3002  
Case No.: [REDACTED]  
Hearing Date: January 29, 2014  
County DHS: Kent

**ADMINISTRATIVE LAW JUDGE:** Suzanne D. Sonneborn

**DECISION AFTER REHEARING**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, MCL 400.37, and Mich Admin Code Rule 400. 919 and an Order Granting Rehearing that was generated after review of Claimant's request for rehearing/reconsideration of the Hearing Decision generated by the assigned Administrative Law Judge (ALJ) at the conclusion of the hearing conducted on March 27, 2013. The date for a new hearing having been assigned and due notice having been provided, a telephone hearing was conducted from Lansing, Michigan, on January 29, 2014. Claimant appeared and provided testimony. The Department of Human Services (Department) was represented by [REDACTED] [REDACTED] an assistance payments supervisor with the Department's Kent County office.

**ISSUE**

Whether the department properly closed Claimant's Food Assistance Program (FAP) benefits and Medical Assistance (MA) benefits due to a failure to verify necessary information?

**FINDINGS OF FACT**

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

1. On January 22, 2013, Claimant applied for FAP and MA benefits. In his application, Claimant indicated that he had a checking and savings account.
2. On January 24, 2013, the department mailed Claimant a Verification Checklist (DHS 3503), requesting, among other things, verification of

3. Claimant's checking account and savings account. This information was due to the department by February 4, 2013. The Verification Checklist also instructed Claimant to contact his specialist "R. Collins" if he had any questions regarding the Verification Checklist.
4. While Claimant timely submitted verification of his checking account, Claimant failed to provide the department with the required verification of his savings account, or otherwise contact his specialist with any questions, by the February 4, 2013 deadline.
5. On February 7, 2013, the department mailed Claimant a Notice of Case Action (DHS 1605), informing Claimant that his application for FAP benefits and MA benefits had been denied due to his failure to timely provide the required verification of his savings account.
6. On February 19, 2013, the department received Claimant's hearing request, contesting the department's denial of his application for FAP and MA benefits.
7. On February 27, 2013, the department conducted a prehearing conference with Claimant, during which time Claimant reported that he did not have a savings account.

### **CONCLUSIONS OF LAW**

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. Department of Human Services Bridges Administrative Manual (BAM) 600 (2011), p. 1. The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in sections 400.901 to 400.951 of the Michigan Administrative Code (Mich Admin Code). An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. Mich Admin Code R 400.903(1).

The Food Assistance Program (FAP) was established pursuant to 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 administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.30001- 3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The Medical Assistance (MA) program was established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The department administers the MA program pursuant to MCL 400.10, *et seq.*, and

MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department policy provides that clients must cooperate with the local office in determining initial and ongoing eligibility with all programs. This includes completion of the necessary forms. BAM 105. Department policy further states that CDC payments will not be made until all eligibility and need requirements are met and care is being provided by an eligible provider. BEM 706. Eligibility and need requirements cannot be determined until all forms have been received by the department. BEM 702. Clients who are able to but refuse to provide necessary information or take a required action are subject to penalties. BAM 105. Clients must take actions within their ability to obtain verifications. BAM 130; BEM 702. Likewise, DHS local office staff must assist clients who ask for help in completing forms. BAM 130; BEM 702; BAM 105.

Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. BAM 130. The department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested verification. BAM 130. If the client is unable to provide the verification despite a reasonable effort, the department must extend the time limit at least once. BAM 130. For MA, if the client cannot provide the verification despite a reasonable effort, the time limit is extended up to three times. BAM 130. Should the client indicate a refusal to provide a verification or, conversely, if the time period given has elapsed and the client has not made a reasonable effort to provide it, the department may send the client a negative action notice. BAM 130.

In the instant case, Claimant is disputing the department's denial of his application for FAP and MA benefits for failure to provide the requested verification – specifically, Claimant's failure to submit verification of a savings account.

At the January 29, 2014 hearing, the department's representative, Lindsey Idema, testified that the department sought verification of Claimant's checking and savings accounts after Claimant reported in his assistance application that he had both a checking and savings account. Ms. Idema further testified that, while Claimant was instructed in the Verification Checklist to contact his specialist if he had difficulty obtaining the requested verification or otherwise had any questions, Claimant did not contact his specialist in advance of the February 4, 2013 verification deadline.

Claimant testified that he received assistance from a department specialist in completing the online assistance application and, during the application process, the specialist asked Claimant whether he had a bank account and Claimant reported that he did. Claimant further testified that he was not aware of a distinction between a savings and checking account and did not know that the specialist indicated on the application that he had both a savings and checking account. Claimant further testified that he believed he was responsive to the Verification Checklist by timely obtaining from his bank and submitting to the department verification of his checking account. Claimant further testified that it was not until the February 27, 2013 prehearing

conference with a department representative that he learned of the distinction between the two accounts, at which time he informed the department that he did not have a savings account. It is undisputed that Claimant, upon learning on February 27, 2013 that the department required verification of the fact that he had no savings account, did not obtain a statement from his bank confirming that he had no savings account.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). In evaluating the credibility and weight to be given the testimony of a witness, the fact-finder may consider the demeanor of the witness, the reasonableness of the witness's testimony, and the interest, if any, the witness may have in the outcome of the matter. *People v Wade*, 303 Mich 303 (1942), *cert den*, 318 US 783 (1943).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record and finds that, based on the competent, material, and substantial evidence presented during the January 29, 2014 hearing, it was Claimant's responsibility to ensure that the information he provided in his assistance application was true and accurate – indeed Claimant certified with his signature that it was – regardless of whether he completed the application or someone completed it on his behalf. This Administrative Law Judge further finds that Claimant was aware of the department's requested verification of a savings account, having timely responded to the Verification Checklist with regard to a checking account, and therefore could and should have contacted his specialist by the February 4, 2013 verification deadline to advise that he lacked a savings account and to determine what, if any, verification the department nonetheless required to establish this fact. Consequently, the department acted in accordance with policy in denying Claimant's January 22, 2013 application for FAP and MA benefits for failure to timely verify necessary information.

### **DECISION AND ORDER**

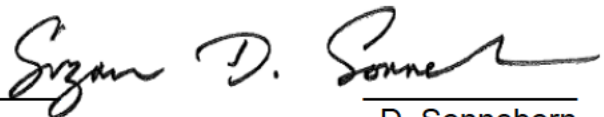
The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department acted in accordance with policy in denying Claimant's January 22, 2013 application for FAP and MA benefits for failure to timely verify necessary information.

Accordingly, the department's determination is **UPHELD**.

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**IT IS SO ORDERED.**

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Suzanne

  
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D. Sonneborn  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: February 5, 2014

Date Mailed: February 5, 2014

**NOTICE:** The law provides that within 30 days of receipt of this decision, the claimant may appeal this decision to the circuit court for the county in which he/she lives.

SDS/hj

cc:

