

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

IN THE MATTER OF:



Reg. No.: 201422838
Issue No.: 2002, 3002
Case No.: [REDACTED]
Hearing Date: February 12, 2014
County: Macomb County DHS #20

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 12, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly close the Claimant's Medical Assistance (M.A.) and Food Assistance Program (FAP) for failure to provide the Department with information necessary to determine her eligibility to receive benefits?

FINDINGS OF FACT

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

1. The Claimant was an ongoing Medical Assistance (M.A.) and Food Assistance Program (FAP) recipient.
2. On December 19, 2013, the Department sent the Claimant a Verification Checklist (DHS-3503) requesting verification of ending employment by December 30, 2013.
3. The Department granted the Claimant an extension to submit her verification documents to January 8, 2014.
4. On January 8, 2014, the Department notified the Claimant that it would close her Medical Assistance (M.A.) and Food Assistance Program (FAP) benefits.
5. The Department received the Claimant's request for a hearing on January 15, 2014, protesting the closure of her Medical Assistance (M.A.) and Food Assistance Program (FAP) benefits.

CONCLUSIONS OF LAW

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.

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.

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (March 1, 2013), p 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Department of Human Services Bridges Assistance Manual (BAM) 130 (May 1, 2012), p 1. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

The Claimant was an ongoing Medical Assistance (M.A.) and Food Assistance Program (FAP) recipient when the Department conducted a routine review of her eligibility to receive continuing benefits. During an interview with the Claimant, the Department discovered that the Claimant had failed to notify the Department of changes to her employment.

On December 19, 2013, the Department sent the Claimant a Verification Checklist (DHS-3503) requesting verification of ending employment by December 30, 2013. The Department granted the Claimant an extension to submit her verification documents to January 8, 2014. On January 8, 2014, the Department notified the Claimant that it would close her Medical Assistance (M. A.) and Food Assistance Program (FAP) benefits for failure to provide the Department with information necessary to determine her eligibility to receive benefits.

The Claimant argued that because she had provided the Department with the requested information previously, that she should not be required to provide the Department with further information.

The Department's representative acknowledged that the Claimant had provided some verification of income previously, but that the Claimant had not provided verification of ending employment and failed to adequately respond to the December 19, 2014, Verification Checklist (DHS-3503).

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This Administrative Law Judge finds that the Department was acting within its authority when it requested that the Claimant provide verification of employment that had ended. Since the Claimant either refused to provide this information, or failed to make a reasonable effort to provide the requested information, this Administrative Law Judge finds that the Department was acting in accordance with policy when it closed the Claimant's Medical Assistance (M.A.) and Food Assistance Program (FAP) for failure to provide the Department with information necessary to determine her eligibility to receive benefits.

The Department's representative testified that the Claimant submitted another application for Medical Assistance (M.A.) and Food Assistance Program (FAP) benefits, and the Department had made another request for the Claimant to provide verification of her former employment. The Department's representative testified that the Claimant failed to comply with this request for information, and she was not eligible for reinstatement of benefits.


However, at the time the Claimant submitted her request for a hearing, the Department had not denied the Claimant's new application for benefits, and this subsequent denial of benefits is not relevant to this hearing.

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 closed the Claimant's Medical Assistance (M.A.) and Food Assistance Program (FAP) benefits.

Accordingly, the Department's decision is **AFFIRMED**.

Kevin


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

Date Signed: February 18, 2014

Date Mailed: February 18, 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

KS/hj

cc:

