

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201423992
Issue No.: 1001; 3001
Case No.: [REDACTED]
Hearing Date: February 19, 2014
County: Wayne (49)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 19, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Eligibility Specialist.

ISSUE

Did the Department properly deny Claimant's application for Medical Assistance (MA) and Food Assistance Program (FAP) 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 December 18, 2013, Claimant filed an application for MA and FAP benefits.
2. On December 19, 2013, the Department sent Claimant a Verification Checklist (VCL) requesting verification of her worker's compensation benefits by December 30, 2013.
3. On December 20, 2013, Claimant submitted a paystub showing payment to her from The Hartford of \$331.78 for temporary total disability for the service dates December 9, 2013 to December 15, 2013.
4. On December 26, 2013, the Department sent Claimant a second VCL requesting that she provide additional information concerning "missing pay period amounts- unearned income" by January 6, 2014.

5. On December 30, 2013, Claimant submitted another paystub showing payment to her from The Hartford of \$331.78 for temporary total disability for the service dates December 16, 2013 to December 22, 2013.
6. On January 9, 2014, the Department sent Claimant a Notice of Case Action denying her application for MA and approving her application for FAP for December 18, 2013 to December 31, 2013 but denying the FAP application for January 1, 2014 ongoing.
7. No FAP benefits were issued to Claimant.
8. On January 22, 2014, Claimant filed a request for hearing 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).

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.

Additionally, the January 6, 2014 Notice of Case Action denied Claimant's MA application and her FAP application for January 1, 2014 ongoing. Although the Notice indicated that Claimant was eligible for \$171 in FAP benefits for December 18, 2013 to December 31, 2013, there was no evidence presented that those benefits were issued to her.

The Department testified at the hearing that Claimant's FAP and MA application was denied because, despite being sent two VCLs concerning her worker's compensation benefits, she failed to return 30 days' worth of paystubs.

When the Department requests verifications from a client, it must notify the client what verification is required, how to obtain it, and the due date. BAM 130 (January 2014), p. 3. In this case, the Department sent Claimant two VCLs requesting verification of her worker's compensation benefits. After Claimant responded to the first VCL with a

paystub showing one-week's worker's compensation benefits for the period between December 9, 2013 and December 15, 2013, the Department sent a second VCL requesting "missing pay period amounts – unearned income." In response, Claimant submitted another paystub for the next week's benefits covering the period December 16, 2013 to December 22, 2013. Together, Claimant submitted two weeks' worth of income. Because the Department's VCL did not clearly identify that it needed 30 days' of pay, the Department did not act in accordance with Department policy when it denied Claimant's MA and FAP application for failure to verify unearned income.

Although the January 9, 2014, Notice of Case Action indicates that the MA application was also denied because Claimant failed to verify assets, there was no evidence presented by the Department that Claimant had any assets or that it requested that she verify assets.

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 did not act in accordance with Department policy when it denied Claimant's MA and FAP application.

DECISION AND ORDER

Accordingly, the Department's decision is REVERSED.

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. Reregister and reprocess Claimant's December 18, 2013, FAP and MA application;
2. Notify Claimant of its decision in writing;
3. Issue supplements to Claimant for any FAP benefits she was eligible to receive but did not from December 18, 2013, ongoing; and
4. Provide Claimant with MA coverage she is eligible to receive based on the date of application.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 25, 2014

Date Mailed: February 25, 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

ACE/tif

cc:

