

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2014-27363  
Issue No(s): 2002, 3002  
Case No.: [REDACTED]  
Hearing Date: March 12, 2014  
County: Berrien

**ADMINISTRATIVE LAW JUDGE:** Darryl T. Johnson

**HEARING DECISION**

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37, and 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 March 12, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Assistance Payments Supervisor [REDACTED] and Migrant Program Worker [REDACTED].

**ISSUE**

Did the Department properly deny Claimant's application for 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. Claimant was an on-going recipient of FAP.
2. On December 7, 2013 Claimant was mailed a Notice of Case Action (NCA) informing her that her FAP was being reduced to \$ [REDACTED] per month because her income had changed. (Exhibit 2.)
3. On December 11, 2013, Claimant applied for Medical Assistance (MA) benefits. (Exhibit 1.1, Pages 1-22.)
4. On December 27, 2013 the Department mailed Claimant a Verification Checklist (VCL) (Exhibit 1.2 Pages 1-3) with a response deadline of January 6, 2014. The VCL was to "help determine your eligibility for program(s): Medicaid, Food Assistance Program."

5. On January 3, 2014, the Department received several documents via fax from or on behalf of Claimant. (Exhibit 1.4 Pages 1-8.)
6. Due to a major storm, the Department was closed on January 6, 2014. The Department had also been closed for State Holidays on December 31, 2013 and January 1, 2014.
7. On January 8, 2014, the Claimant returned the VCL, along with a number of documents. (Exhibit 1.3 Pages 1-12.)
8. In a Notice of Case Action (NCA) dated February 4, 2014 (Exhibit 1.5 Pages 1-5), Claimant was notified that her MA application was denied “due to Faing (sic) AsseT (sic) Test. Did not provide proofs by due date were received after due date.” The same NCA advised her that her FAP was being reduced to \$ [REDACTED] per month, noting “Your shelter deduction amount has changed because shelter expense has changed or income has changed.” “Your net unearned income amount has changed.” “Your net earned income has changed.” In another NCA dated February 3, 2014 (Exhibit 1 Pages 11-12) he was notified that his MA application was denied because he “did not provide verifications by due date to determine eligibility.”
9. On February 10, 2014 Claimant requested a hearing.

### **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. This includes completion of necessary forms; see Refusal to Cooperate Penalties in this item. Clients must completely and truthfully answer all questions on forms and in interviews.” BAM 105.

Per BAM 130, at page 6, says:

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email or Mi Bridges document upload), the date of the transmission is the receipt date. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a DHS representative are considered to be received the next business day.

Send 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.

The issue is whether the Claimant provided timely verification in response to the request, or at least made a reasonable effort to provide verification. The evidence is persuasive that the forms were mailed to the Claimant at her address of record. The evidence also establishes that the Claimant made a reasonable effort to respond by the deadline. Claimant had provided verification of assets on January 3. It is worth noting that the Verification Checklist was mailed on Thursday, December 26. Assuming it took just one day for the form to be delivered, she would have received it on Friday, December 27. While the verification deadline is based upon calendar days rather than business days, I believe consideration needs to be given to the fact that, after she received the VCL, when allowance is made for weekends, holidays, and office closure due to weather, Claimant had only December 30, and January 2 and 3 to obtain the verification. She testified that she had planned to submit the documentation on the due date, but because of the weather-related closure she could not. She worked the next day, and then delivered the documents on January 8. Despite having all of the required documentation, some of which was two days late, her worker did not process the documentation until February 4, approximately four weeks later.

This decision is not to be interpreted as excusing late filings as a matter of course, even when filings are just two days late. However, there was a conflux of circumstances specific to this case which is considered when determining whether Claimant made a reasonable effort to timely verify her information.

Because she made a reasonable effort to timely provide her verification, the Department erred when it denied her application MA and reduced her FAP benefits.

The Administrative Law Judge, based upon 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 Claimant's MA and FAP benefits.

**DECISION AND ORDER**

Accordingly, the Department's decision regarding Claimant's MA 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 Claimant's December 11, 2013, MA application.
2. Begin reprocessing the application to determine if all other non-medical criteria are satisfied and notify Claimant of its determination; and
3. Provide Claimant with MA coverage if she is eligible to receive from March 2013 ongoing.
4. Redetermine Claimant's FAP benefit eligibility, effective January 1, 2014;
5. Issue a supplement to Claimant for any FAP benefits improperly not issued.



**Darryl T. Johnson**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: March 13, 2014

Date Mailed: March 13, 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

DJT/las

cc:

