

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201427896
Issue No: 2002, 3002, 4002
Case No: [REDACTED]
Hearing Date: March 20, 2014
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

HEARING DECISION

Following Claimant's request for a hearing received by the Department of Human Services (department) on February 13, 2014, 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 March 19, 2014 from Lansing, Michigan. Claimant appeared and provided testimony. The department was represented by [REDACTED] a hearings facilitator with the department's Kalamazoo County office.

ISSUE

Whether the department properly denied Claimant's application for State Disability Assistance (SDA) and Medical Assistance (MA) benefits and properly closed Claimant's Food Assistance Program (FAP) 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. Claimant was a recipient of FAP benefits at all times relevant to this hearing.
2. On December 4, 2013, Claimant applied for SDA and MA benefits.
3. On December 10, 2013, the department mailed Claimant a Medical Verification Checklist (DHS 3503), requesting verification of Claimant's disability by requesting that Claimant complete the enclosed Medical-Social Questionnaire (DHS-49-F), Authorization to Release Protected Health Information (DHS-1555), and Activities of Daily Living (DHS-49-G). This information was due to the department by December 20, 2013. (Department Exhibit C)

4. Claimant failed to submit the required verifications by the December 20, 2013 deadline.
5. On December 30, 2013, the department mailed Claimant a Notice of Case Action (DHS 1605), informing Claimant that his application for SDA and MA benefits had been denied because he failed verify or allow the department to verify necessary information.
6. On December 16, 2013, the department mailed Claimant a Redetermination form (DHS-1010), requesting that Claimant complete the Redetermination form and return it to his specialist before his scheduled telephone interview on January 2, 2014 in order that the department may determine his continued eligibility for FAP benefits.
7. Claimant did not return the completed Redetermination form to his case specialist before his scheduled January 2, 2014 telephone interview.
8. On January 2, 2014, the department mailed Claimant a Notice of Missed Interview (DHS-254), informing Claimant that he missed his scheduled redetermination interview. The department further informed Claimant that it was his responsibility to reschedule his interview before January 31, 2014 or his FAP benefits would be closed.
9. On February 1, 2014, the department closed Claimant's FAP benefits for failure to complete the redetermination paperwork and interview.
10. On February 13, 2014, the department received Claimant's hearing request protesting the department's denial of his application for SDA and MA benefits and the department's closure of his FAP benefits.

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 State Disability Assistance (SDA) program was established by 2004 PA 344 and is a financial assistance program for individuals who are not eligible for the Family Independence Program (FIP) and are either disabled or the caretaker of a disabled

person. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180.

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 indicates that clients must cooperate with the local office in determining initial and ongoing eligibility with all programs. BAM 105. This includes completion of the necessary forms. 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 SDA and MA benefits for failure to timely provide the requested verifications and the department's closure of his FAP benefits for failure to timely provide the completed redetermination paperwork.

At the March 19, 2014 hearing, Claimant testified that he did not complete and return the required medical verifications because his father, with whom he lives and shares the same name, may have opened and disposed of the Medical Verification Checklist paperwork in error. Claimant further testified that he attempted on several occasions to contact his case specialist to schedule his redetermination interview regarding his FAP benefits. However, there is no dispute that Claimant did not timely complete and return

the required FAP redetermination paperwork before his scheduled January 2, 2014 telephone interview.

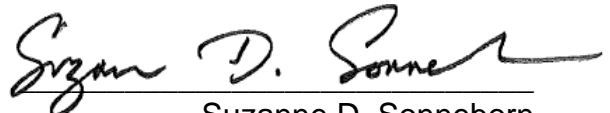
Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). Moreover, the weight and credibility of this evidence is generally 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).

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 March 19, 2014 hearing, the department acted in accordance with policy in denying Claimant's application for MA and SDA benefits and in closing Claimant's FAP benefits for failure to timely return the required verifications.

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 application for MA and SDA benefits and in closing Claimant's FAP benefits for failure to timely return the required verifications. Accordingly, the department's actions in this regard are **UPHELD**.

IT IS SO ORDERED.



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

Date Signed: March 26, 2014

Date Mailed: March 26, 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

CL/hj

CC:

