

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

IN THE MATTER OF:

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██████████████████

Reg. No.: 14-014715
Issue No.: 2003, 3003
Case No.: ██████████
Hearing Date: November 24, 2014
County: WAYNE (31)

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 November 24, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Eligibility Specialist, and ██████████, Hearing Facilitator.

ISSUE

Did the Department properly close Claimant's 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. Claimant is an ongoing recipient of MA and FAP benefits.
2. On July 15, 2014, the Department sent Claimant a Redetermination form regarding his MA and FAP benefits with a due date of August 4, 2014.
3. Claimant's MA interview was scheduled for August 4, 2014 and his FAP interview was scheduled for September 14, 2014.
4. On August 18, 2014, the Department sent Claimant a Health Care Determination Notice notifying Claimant that his MA would close effective September 1, 2014.
5. Claimant submitted an online Redetermination on August 30, 2014.

6. On September 8, 2014, the Department sent Claimant a Verification Checklist (VCL) requesting specific documents.
7. Claimant failed to return all the requested information.
8. On October 1, 2014, the Department sent Claimant a Notice of Case Action notifying him that his FAP benefits would close effective October 1, 2014.
9. On October 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 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Additionally, verifications are usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (July 2014), p. 1. In this case, the Department testified that it sent Claimant a Redetermination regarding MA and FAP benefits on July 15, 2014. The Department indicated that the MA interview was scheduled for August 4, 2014 and the FAP interview was scheduled for September 14, 2014. On August 18, 2014, the Department sent Claimant a Health Care Determination Notice notifying him that his MA benefits would close effective September 1, 2014 because he failed to submit his Redetermination.

On August 30, 2014, Mr. Davis completed an online Redetermination. As a result, a VCL was sent out requesting proof of property taxes, self-employment income, child support, heat expense and non-heat electric expense. Claimant's testimony during the

hearing was inconsistent and as such found not credible. Claimant initially agreed that he did not submit any verification regarding property taxes, child support, heat expense and non-electric heat expense. Later in the hearing, Claimant testified that he timely submitted most of the documentation.

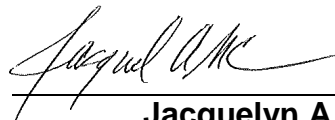
Additionally, Claimant clearly submitted the self-employment income and expense statement that was originally mailed to him in April 2014 and not the one that was sent in August. The April 2014 self-employment income and expense statement appeared to have been altered. Claimant testified that he contacted his worker to determine what was needed. However, the VCL specifically requested current documentation. Claimant appeared at the hearing with current information which was dated after the due date contained on the verification. It is unclear why Claimant did not obtain the current information and submit it to the Department prior to the due date. After the Department determined that Claimant failed to submit documentation needed to verify his eligibility for FAP benefits, it sent Claimant a Notice of Case Action notifying him that his FAP benefits would close effective October 1, 2014.

Lastly, Claimant stated that he never received the MA Redetermination. Again, because of Claimant's inconsistent statements, this testimony is found to also lack veracity. It is therefore found that Claimant failed to timely submit the Redetermination regarding his MA benefits and he also failed to submit verifications needed to determine his eligibility for FAP benefits. As such, the Department properly closed Claimant's MA and FAP benefits.

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 Claimant's MA benefits effective September 1, 2014. It is further found that the Department acted in accordance with Department policy when it closed Claimant's FAP benefits effective October 1, 2014.

DECISION AND ORDER

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



Jacquelyn A. McClinton
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **12/1/2014**

Date Mailed: **12/1/2014**

JAM / cl

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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 48909-8139

CC:

[REDACTED]