

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-016248
Issue No.: 3002; 2002
Case No.: [REDACTED]
Hearing Date: December 18, 2014
County: MACOMB-DISTRICT 12

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the 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 December 18, 2014, from Lansing, Michigan. Participants on behalf of the Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Hearing Facilitator, [REDACTED].

ISSUE

Did the Department properly close the Claimant's case for Food Assistance Program (FAP) and Medical Assistance (MA), and then later deny the Claimant's application for 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. The Claimant received monthly FAP benefits and the Claimant's son, Jordan Traylor, also received MA benefits.
2. On November 1, 2014, the Department closed the Claimant's FAP and MA case due to her failure to submit verification of employment as well as verification of her son's Social Security number.
3. On November 10, 2014, the Department sent the Claimant its decision.
4. On November 17, 2014, the Claimant filed a hearing request, protesting the Department's actions. The Claimant also submitted a new DHS 1171, Assistance Application for FAP benefits after her FAP case closed. That application was denied on November 10, 2014 for excess income.

5. During the hearing, the Department conceded that the Claimant's FAP budget was calculated in error and that it needed to be reprocessed and the Claimant's eligibility needed to be redetermined back to November 1, 2014.

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), and Department of Human Services Reference Tables Manual (RFT).

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 Claimant testified that she submitted her son Social Security number on October 14, 2014, one day after it was due. The Claimant testified that she telephoned her worker and informed her worker that she was in the hospital and could not get the social security number to the worker any sooner. The verification deadline was not extended for the Claimant. The Claimant's worker was not present for the hearing. The Departmental personnel at the hearing had no personal knowledge of the Claimant's telephone calls from the hospital. Therefore, the Claimant's testimony is uncontested.

Bridges Administrative Manual (BAM) 105 (2014) p. 13, provides that the local office must assist the Claimant who asks for help in completing forms or gathering verifications. BAM 130 (2014) p. 7, provides that the Department is to allow the Claimant 10 calendar days to provide verification request. It further provides that if the Claimant cannot provide verification despite a reasonable effort, the Department's worker is to extend the time limit up to two times for MA. The policy further provides that an application, redetermination, ex parte review, or other change, the Department's worker is to explain to the Claimant the availability of the workers assistance in obtaining needed information. Extensions may be granted when the Claimant makes the request, the need for the extension and the reasonable efforts taken to obtain verifications are documented and every effort by the department was made to assist the client in obtaining verifications. The uncontested testimony in this case is that the Claimant was in the hospital. There is no evidence to indicate that it was ever explained to the Claimant that the Department's worker could assist in obtaining verification. Indeed, to the contrary, the record indicates that the Claimant's son's MA case was closed after the Claimant reported to her worker that she was in the hospital. As such,

this Administrative Law Judge determines that the Department was not acting in accordance with its policy when taking action to close the Claimant's son's MA case.

As the Department testified on the record that there were errors in the Claimant's FAP budget, the Administrative Law Judge also determines that the Department was not acting in accordance with its policy when taking action to close the Claimant's FAP case. The Department will be ordered to reprocessed the case back to its closure date which is November 1, 2014. As such, it is not necessary for this Administrative Law Judge to determine whether the November 10, 2014 denial of the Claimant's FAP application for excess income was proper and correct. The Department's determination of eligibility back to November 1, 2014 will encompass the time period of the denial.

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 did not act in accordance with Department policy when it took action to close the Claimant's FAP case and the Claimant's son's MA case.

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. Redetermined the Claimant's eligibility for FAP benefits back to November 1, 2014, and
2. Redetermined the Claimant's son's eligibility for MA back to the date that it closed, and

3. Issue the Claimant any supplements she may thereafter be due.



Susanne E. Harris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **12/22/2014**

Date Mailed: **12/22/2014**

SEH/hj

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:

