

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

IN THE MATTER OF:



Reg. No.: 14-016271
Issue No.: 2002, 3002
Case No.: [REDACTED]
Hearing Date: December 18, 2014
County: JACKSON

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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

ISSUE

Did the Department properly deny Claimant's September 24, 2014, Medical Assistance application?

Did the Department properly deny Claimant's October 14, 2014, Food Assistance Program application?

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 September 24, 2014, Claimant submitted an application for Medical Assistance.
2. On October 14, 2014, Claimant submitted an application for Food Assistance Program benefits.
3. On October 29, 2014, Claimant was sent a Verification Checklist (DHS-3503) requesting verifications for both programs. The verifications were due by November 10, 2014.

4. On November 12, 2014, Claimant was sent a Health Care Coverage Determination Notice (DHS-1606) which stated the Medical Assistance application was denied for failure to provide income verification. Claimant was also sent a Health Care Coverage Determination Notice (DHS-1606) which stated the Food Assistance Program application was denied for failure to provide several verifications including bank account balances.
5. On November 20, 2014, Claimant submitted a hearing request.

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.

Claimant asserts that her husband is self-employed and the Department's assertion that he is not self-employed is incorrect. The DHS case worker who processed Claimant's applications was not present at this hearing. The October 29, 2014, Verification Checklist (DHS-3503) sent to Claimant contained a comment from the case worker:

Please return a complete copy of 2013 tax return including all schedules, have Bob Pulisky Construction Company complete & return the enclosed verification of employment form to verify wages & you report that Jesse has either a savings or checking acct with Flagstar, please return a current statement for all open accts with them with current balance – all verifications must be returned by due date.

During this hearing Claimant explained that her husband is self-employed and all of the contracting work he does is for one single construction company. Claimant testified that the 2013 tax return they submitted had not been signed because they have not

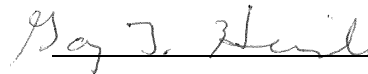
submitted their 2013 tax return yet. Claimant was specifically asked if the 1099's from the single construction company mentioned had been submitted to the Department by the date the applications were denied. Claimant testified the 1099's had not been submitted.

Claimant testified that verification of the sole source of earned income for her household had not been submitted to the Department. Regardless of whether Claimant's husband is an employee or self-employed, the Department did not any verification of the income. Neither Medical Assistance nor Food Assistance Program eligibility can be determined without verification of income.

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 denied Claimant's September 24, 2014, Medical Assistance application and the October 14, 2014, Food Assistance Program application.

DECISION AND ORDER

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



Gary Heisler
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **12/23/2014**

Date Mailed: **12/23/2014**

GFH/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:

