

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

IN THE MATTER OF:



Reg. No.: 14-008726
Issue No.: 3002; 2002
Case No.: [REDACTED]
Hearing Date: September 09, 2014
County: DHS SSPC-WEST

ADMINISTRATIVE LAW JUDGE: Carmen Fahie

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, telephone hearing was held on Tuesday, September 09, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], HF.

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's application benefits for Food Assistance Program (FAP) and Medical Assistance (MA)?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

1. Claimant applied for FAP and MA benefits.
2. Claimant was required to submit requested verification by July 11, 2014.
3. On July 21, 2014, the Department denied Claimant's application.
4. On July 21, 2014, the Department sent Claimant/Claimant's Authorized Representative (AR) notice of its action.
5. On July 29, 2014, Claimant/Claimant's Authorized Hearing Representative (AHR) filed a hearing request, protesting the Department's action.

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 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, the Claimant applied for FAP and MA benefits on [REDACTED]. Department Exhibit 13. On [REDACTED], the Department Caseworker sent the Claimant a Verification Checklist for written verification of that was due [REDACTED]. Department Exhibit 14-15. The Claimant failed to provide the required verification of her income verifications of her gross wages and in-kind wages. As a result, the Department Caseworker sent the Claimant a notice on [REDACTED], that her FAP application was due to failure to provide verification. Department Exhibit 22-23.

The Claimant MA application was denied in error on [REDACTED], because it was beyond the 30 days penalty period of her previous case closure for failure to provide verification. Department Exhibit 8-15. On [REDACTED], the Department Caseworker corrected the MA case closer by reinstating and approving MA-MHP from [REDACTED]-ongoing with a benefit notice mailed to the Claimant on [REDACTED]. Department Exhibit 24-25. During the hearing, the Claimant withdrew her MA hearing request on the record stating that she understood the Department's action.

The Department met their burden that the Claimant's FAP application should be denied because the Claimant failed to provide the required verification to determine FAP eligibility and the Claimant was approved for MA. The Claimant withdrew her MA hearing request on the record. BEM 400. BAM 110, 115, 130, 220, 807, and 600. MSA 13-35 and 14-11. PA 107 of 2013. 42 CFR 431, 435, and 457.

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 the Claimant's FAP application failure to provide the required verifications to determine eligibility for FAP and the Claimant's MA case was reopened due to Department's error, resulting in the Claimant withdrawing her MA hearing request.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED. The Claimant withdrew her MA hearing request on the record, resulting in a dismissal.



Carmen Fahie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **9/24/2014**

Date Mailed: **9/24/2014**

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 48909-07322

CGF / tb

cc:

