

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-018471
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: January 22, 2015
County: Oakland-District 4

ADMINISTRATIVE LAW JUDGE: Carmen G. 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, a telephone hearing was held on Thursday, January 22, 2015, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED] ES.

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's application: 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 October 24, 2014.
3. On November 3, 2014, the Department denied Claimant's application.
4. On November 3, 2014, the Department sent Claimant/Claimant's Authorized Representative (AR) notice of its action.
5. On December 11, 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 October 6, 2014. Department Exhibit 4-16. On October 14, 2014, the Department Caseworker sent the Claimant a Verification Checklist for written verification of that was due October 24, 2014. Department Exhibit 6:1-6:2. The Claimant failed to provide the required verification of his asset verification of his 2nd employment income that due on October 24, 2014. The Claimant had submitted income verifications for both jobs on September 30, 2014, but only 2 check stubs for one job instead of 4. Department Exhibit 3:1-3:5.

On October 14, 2014, the Department sent the Claimant an Appointment Notice, DHS 170, for an appointment date of October 21, 2014 at 3:30 p.m. Department Exhibit 5. The Claimant showed up for his appointment on the required date, but the Department Caseworker called him to cancel. She did not know that he was already at the local office in the lobby. On October 21, 2014, the Department sent the Claimant a Notice of Missed Interview, DHS 254, for him to reschedule his interview by November 5, 2014. Department Exhibit 29. The Claimant did not call to reschedule his interview. As a result, the Department sent the Claimant a notice on November 3, 2014 that FAP and MA would be denied for failure to provide verification. Department Exhibit 30-31. BEM 1300. BAM 105, 115, 130, and 220.

During the hearing, the Claimant stated that he had only just started the second job and only had 2 check stubs, which he submitted. He was going to tell the Department Caseworker at the interview that was cancelled. The Claimant did not think he should have to call and reschedule the appointment because he was there at the appointed time. The Department Caseworker did not know that he was there in the local office when she called to cancel the appointment after the scheduled time. She was waiting for him to call to reschedule the appointment. The Department Caseworker did not send him a new notice because it wouldn't meet the standards of promptness. At the

hearing, the Claimant was able to provide to the Department Caseworker the missing check stubs so that eligibility could be determined.

The Department has not met their burden that the Claimant's FAP and MA application should be denied because the Claimant failed to provide the required verification and schedule the interview to determine MA and FAP eligibility.

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 did not act in accordance with Department policy when it denied the Claimant's application for MA and FAP for failure to provided verification and attend interview.

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. Initiate a redetermination of the Claimant's eligibility for FAP and MA by redetermining the Claimant's eligibility based on the verifications submitted at the hearing based on the Claimant's FAP and MA application submitted to the Department on October 6, 2014.
2. Provide the Claimant with written notification of the Department's revised eligibility determination.
3. Issue the Claimant any retroactive benefits she/he may be eligible to receive, if any.



Carmen G. Fahie
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **1/27/2015**

Date Mailed: **1/27/2015**

CGF/las

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:

