

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-13991
Issue No.: 2000; 3002
Case No.: [REDACTED]
Hearing Date: December 18, 2013
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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, 2013, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Manager, and [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly terminated Claimant's Food Assistance Program (FAP) eligibility due to a failure to verify employment income.

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, her child and her nephew were ongoing Medicaid recipients.
2. On [REDACTED]/13, Claimant applied for FAP benefits.
3. On [REDACTED] 13, DHS mailed Claimant a Verification Checklist (VCL) requesting various proofs which included stopped employment income and information of a bank account for Claimant's nephew's Social Security Administration (SSA) income.
4. The VCL due date was [REDACTED]/13.

5. On an unspecified date, DHS initiated termination of Claimant's nephew's Medicaid eligibility.
6. On [REDACTED]/13, DHS mailed Claimant a Notice of Case Action (Exhibits 3-4) informing Claimant of a FAP application denial though the correspondence also informed Claimant that she could still submit proof of verifications.
7. On [REDACTED]/13, Claimant submitted to DHS proof of her nephew's bank account and proof of stopped employment.
8. On 1 [REDACTED]/13, DHS initiated termination of Claimant's MA eligibility, effective 11/2013, due to an alleged Claimant failure to submit redetermination documents.
9. On [REDACTED]/13, DHS approved Claimant for Medicaid, effective 11/2013.
10. On [REDACTED]/13, DHS requested a hearing to dispute adverse actions taken to FAP and MA eligibility.

CONCLUSIONS OF LAW

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. Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM) and Department of Human Services Bridges Eligibility Manual (BEM) and Department of Human Services Reference Tables Manual (RFT).

Claimant requested a hearing to dispute a termination of MA eligibility. Claimant conceded that DHS reinstated Claimant's MA eligibility. Claimant testified that she is satisfied with the DHS change in action and no longer has a dispute concerning MA eligibility.

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. Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM) and Department of Human Services Bridges Eligibility Manual (BEM) and Department of Human Services Reference Tables Manual (RFT).

Claimant also requested a hearing to dispute the denial of a FAP benefit application. DHS denied the application 30 days following the application date due to Claimant's failure to verify stopped employment income and her nephew's bank account information.

For all programs, DHS is to use the DHS-3503, Verification Checklist to request verification. BAM 130 (7/2013), pp. 2-3. DHS must give clients at least ten days to submit verifications. *Id.*, p. 3 DHS must tell the client what verification is required, how to obtain it, and the due date. *Id.*, p. 2. When a client completes the application process after denial but within 60 days after the application date and after the 30th day following the application date, DHS is to reregister the application, using the date the client completed the process. BAM 115 (7/2013), p. 23.

Claimant conceded that she did not comply with the DHS request until [REDACTED]/13. Claimant testified that she had difficulty verifying her stopped employment because she was confused about which of her former employers for which DHS was requesting proof of income. Claimant testified that she had difficulty obtaining proof of her nephew's account because she was unsure how to verify the information. DHS presented credible evidence that Claimant's FAP application was eventually reinstated on 1 [REDACTED]/13. DHS reinstated Claimant's application for an application of 1 [REDACTED] 13; Claimant did not dispute that DHS eventually reinstated the application. Based on the presented evidence, it is found that DHS properly reinstated Claimant's application on [REDACTED]/13 and processed Claimant's FAP eligibility.

As it happened, DHS approved Claimant for FAP benefits for 10/2013 and denied Claimant's FAP benefit eligibility beginning 11/2013. DHS clarified that the change was based on a difference in Claimant's income. If Claimant objects to the determination made by DHS on [REDACTED]/13, Claimant may separately request a hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant does not have a dispute concerning MA eligibility. Claimant's hearing request is **PARTIALLY DISMISSED**.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly processed Claimant's FAP eligibility related to Claimant's application dated [REDACTED]/13 for which Claimant supplied DHS with verifications on [REDACTED] 13. The actions taken by DHS are **AFFIRMED**.



Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 12/26/2013

Date Mailed: 12/26/2013

NOTICE OF APPEAL: The claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely Request for Rehearing or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted 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 Department, AHR or the claimant 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 the hearing decision is mailed.

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

CG/hw

cc:

