

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

IN THE MATTER OF:

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Reg. No.: 2014-27290
Issue No(s): 2010;3000
Case No.: ██████████
Hearing Date: March 17, 2014
County: Wayne (19) and (49)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 three way telephone hearing was held on March 17, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist and ██████████, Eligibility Specialist.

ISSUE

Did the Department properly process Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) 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. Claimant was an ongoing recipient of FAP and MA benefits.
2. On October 18, 2013, the Department sent Claimant a Wage Match Client Notice requesting that he submit verification of his wife's earned income and employment by November 18, 2013. (Exhibit 1)
3. On December 10, 2013, the Department sent Claimant a Notice of Case Action informing him that his effective January 1, 2014, his FAP and MA benefits under the Adult Medical Program (AMP) would be closed on the basis that he failed to verify information necessary to determine eligibility. (Exhibit 2)

4. On February 10, 2014, Claimant submitted a hearing request disputing the Department's actions.

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).

FAP

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 hearing was requested to dispute the Department's action taken with respect to Claimant's FAP benefits. Shortly after commencement of the hearing, Claimant testified that he understands and is satisfied with the actions taken by the Department and that he no longer had any issues to address with respect to his FAP benefits, as he submitted a new application for FAP benefits and was receiving active and ongoing FAP benefits. Claimant further confirmed that he did not wish to proceed with the hearing concerning his FAP benefits. The Request for Hearing was withdrawn. The Department agreed to the dismissal of the hearing request. Pursuant to the withdrawal of the hearing request filed in this matter, the Request for Hearing regarding the FAP is hereby **DISMISSED**.

MA

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. The Adult Medical Program (AMP) is established by 42 USC 1315 and is administered by the Department pursuant to MCL 400.10.

Additionally, the Department routinely matches recipient employment data with the Michigan Department of Energy, Labor & Economic Growth Unemployment Insurance Agency (UIA) through computer data exchange processes. These data exchanges assist in the identification of potential current and past employment income. BAM 802 (December 2013), p 1. When there is a discrepancy between the wage match information and the client's work history stated on an application or other information in the client's case record, the Department must request verification from the client by sending a Wage Match Client Notice (Wage Match). BAM 802, p. 2. If verifications are not returned by the 30th day, the case will close for a minimum of 30 days after

appropriate actions are taken in the Department's system unless the client returns verifications. BAM 802, p 2.

In this case, the Department testified that because it became aware via a wage match that Claimant's wife had unreported earned income, it sent Claimant a Wage Match Client Notice requesting that he submit verification of his wife's earned income and employment by November 18, 2013. (Exhibit 1). The Department testified that because it did not receive the requested verifications by the due date and because it did not receive any communications from Claimant indicating his inability to submit the requested verifications, on December 10, 2013, it sent Claimant a Notice of Case Action informing him of the closure of his AMP case effective January 1, 2014. (Exhibit 2).

While policy provides that the eligibility determination group (EDG) for the AMP is to include an individual and his or her spouse; this only applies if the spouses are living together. Living together means sharing a home except for temporary absences. BEM 214 (July 2013), pp.1-2. The Department will determine the members of the AMP EDG based on information reported by the individual and entered in the system, and will consider the income and assets of members of the certified group in determining income eligibility for AMP. BEM 214, pp. 2-4.

At the hearing, Claimant testified that he and his wife separated in October 2012 and that they were not living together at the time he applied for AMP benefits in April 2013. A review of the Notice of Case Action establishes that Claimant was only receiving AMP benefits for himself and the Department considered his group size to be one. There was no evidence presented by the Department to establish that Claimant and his wife were living together per policy at the time the Wage Match was sent, and his wife's absence is not considered temporary. BEM 214, pp.1-3.

Although a refusal by a spouse to provide information necessary to determine eligibility for benefits causes ineligibility for the entire group, because Claimant's wife is not a member of the AMP EDG or certified group, her income is not needed to determine Claimant's continued eligibility for AMP benefits and a Wage Match should not have been sent to Claimant regarding his wife's income.

Furthermore, Claimant testified that he did not receive the Wage Match, which is why he did not respond to the Department's request for verifications or inform the Department that he and his wife had been separated for over one year and were not living together. Claimant testified that at the time the verifications were requested, he was homeless and did not have stable housing. Claimant reviewed the Wage Match at the hearing and stated that the address to which it was sent was that of the [REDACTED] where he was previously staying and had listed as a mailing address.

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 because the Department should not have requested that Claimant verify his wife's earned income and employment through submission of a Wage Match, the Department did not act in

accordance with Department policy when it closed Claimant's AMP case on the basis that he failed to verify or allow the Department to verify requested information.

DECISION AND ORDER

Accordingly, Claimant's hearing request with respect to FAP is DISMISSED and the Department's AMP 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. Reinstate Claimant's MA case under the AMP effective January 1, 2014;
2. Issue supplements to Claimant for any MA benefits that he was entitled to receive but did not from January 1, 2014, ongoing;
3. Notify Claimant in writing of its decision.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 18, 2014

Date Mailed: March 18, 2014

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

ZB/tm

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]