

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No.: 2014-29847
Issue No(s): 2001;3002;5000
Case No.: [REDACTED]
Hearing Date: March 27, 2014
County: Wayne (55)

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 telephone hearing was held on March 27, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Case Manager.

ISSUE

Did the Department properly process Claimant's State Emergency Relief (SER), 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. In connection with a redetermination, Claimant's eligibility to receive FAP benefits was reviewed.
3. On January 9, 2014, the Department sent Claimant a Verification Checklist (VCL) requesting that she submit proof of her wages, verification of employment, loss of employment and home rent to the Department by January 21, 2014. (Exhibit 1)
4. On February 18, 2014, the Department sent Claimant a Notice of Case Action informing her that effective February 1, 2014, her FAP case had been closed based on a failure to verify requested information. (Exhibit 3)

5. Claimant's MA case closed effective March 1, 2014. (Exhibit 4)
6. Claimant did not have an active SER case and did not submit an application for SER benefits.
7. On February 24, 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).

SER

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and by Mich Admin Code, R 400.7001 through R 400.7049.

Claimant submitted a hearing request disputing the actions of the Department with respect to her SER benefits. Soon after commencement of the hearing, Claimant testified that she was not an active and ongoing recipient of SER benefits and that she had not submitted an application for SER prior to her filing of a hearing request. Therefore, the Department had neither determined Claimant's eligibility for SER nor had the Department taken any negative action with respect to Claimant's SER benefits prior to her hearing request; therefore, Claimant's hearing request with respect to SER is **DISMISSED** for lack of jurisdiction. BAM 600, p 4.

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.

Additionally, verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (January 2014), p.1. To request verification of information, the Department sends a Verification Checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. FAP clients are given 10 calendar days to provide the verifications requested by the Department. Verifications are considered to be timely if received by the date they are due. BAM 130, pp.5-6. For FAP cases, the Department sends a

negative action notice when the client indicates a refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 6. FAP benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210 (October 2013), p 2. Timely notice of the FAP case closure is not required if the FAP certification period has expired. BAM 220 (January 2014), pp. 4-5.

In this case, in connection with a redetermination, the Department sent Claimant a VCL requesting that she submit proof of her wages, verification of employment, loss of employment and home rent by January 21, 2014. (Exhibit 1). The Department testified that on January 21, 2014, Claimant submitted shelter verification, and a completed verification of employment form for her employment with Vivian Moore. (Exhibit 2). The Department stated that because the verification of employment form confirming Claimant's loss of employment was completed by Claimant and not her employer, it was insufficient and could not be accepted. The Department testified that it attempted to contact Claimant several times to inform her that the verification of employment form had to be completed by her employer and received no response. The Department stated that because it did not receive all of the requested verifications by the end of the FAP certification period (January 30, 2014), it was unable to certify a new benefit period and Claimant's FAP case closed effective February 1, 2014. The Department sent Claimant a Notice of Case Action informing her of the case closure. (Exhibit 3).

At the hearing, Claimant testified that she completed the verification of employment form herself because she does not consider Vivian Moore her employer. Claimant stated that she sometimes runs errands for Ms. Moore and is paid for assisting her with driving her to appointments. Claimant testified that she does not receive a consistent pay check and does not work a set number of hours. Claimant stated that she cannot be fired by Ms. Moore, so she was not aware that Ms. Moore had to be the one completing the form. After further review, Claimant's income is to be considered income from self-employment, per BEM 502. BEM 502 (January 2014). Therefore, the Department's request that she submit verification of her employment with Ms. Moore in the form of a Verification of Employment form to be completed by Ms. Moore was improper.

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 Claimant made a reasonable effort to provide the information requested by the due date and did not indicate a refusal to do so, therefore, the Department failed to satisfy its burden in establishing that it acted in accordance with Department policy when it closed Claimant's FAP case effective February 1, 2014, based on a failure to verify requested information.

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.

Claimant submitted a hearing request disputing the closure of her MA case. Claimant stated that she went to her doctor on March 3, 2014, and was informed that she did not have active MA benefits. At the hearing, although the Department testified that Claimant's MA case was closed based on her failure to submit requested verification, relying on the same reasoning as discussed above, the Department acknowledged that it did not send Claimant a Notice of Case Action informing her of the case closure.

A review of the eligibility summary submitted establishes that Claimant's MA case closed effective March 1, 2014. (Exhibit 4). Because the Department did not send Claimant a Notice of Case Action concerning the case closure, the reason for the case closure could not be verified. Therefore, based on the above discussion, because Claimant submitted the requested verifications, the Department failed to satisfy its burden in establishing that it acted in accordance with Department policy when it closed Claimant's MA case effective March 1, 2014.

DECISION AND ORDER

Accordingly, Claimant's hearing request with respect to SER is DISMISSED and the Department's FAP and MA decisions are 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 FAP case effective February 1, 2014;
2. Issue supplements to Claimant for any FAP benefits that she was entitled to receive but did not from February 1, 2014, ongoing;
3. Reinstate Claimant's MA case effective March 1, 2014;
4. Issue supplements to Claimant for any MA benefits that she was entitled to receive but did not from March 1, 2014, ongoing; and
5. Notify Claimant in writing of its decision.



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

Date Signed: March 28, 2014

Date Mailed: March 28, 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]