

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

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-017864
Issue No.: 3002
Agency Case No.: [REDACTED]
Hearing Date: November 18, 2015
County: Kent

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

Following Petitioner'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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on November 18, 2015, from Lansing, Michigan. The Petitioner was represented by the Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED], Assisted Payments Supervisor and [REDACTED], Eligibility Specialist.

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's application 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. The Claimant was a recipient of FAP benefits with a redetermination due September 2015.
2. On July 6, 2015, the Department Caseworker sent the Claimant a Verification Checklist, DHS 3503, to submit requested verification by July 14, 2015. Department Exhibit 1-2.
3. On September 17, 2015, the Department pended the Claimant's FAP case to close October 1, 2015, for failure to provide the required verification to determine continued FAP eligibility. Department Exhibit 3-7.
4. On September 23, 2015, the Claimant filed a hearing request, protesting the Department's action.

5. On September 24, 2015, the Department sent the Claimant a notice that the required verifications were received and that her FAP benefits were going to be continued. Department Exhibit 8-11.

CONCLUSIONS OF LAW

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

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, 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 Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

In this case, the Claimant was a recipient of FAP benefits with a redetermination due September 2015. On July 6, 2015, the Department Caseworker sent the Claimant a Verification Checklist, DHS 3503, to submit requested verification by July 14, 2015. Department Exhibit 1-2. On September 17, 2015, the Department pended the Claimant's FAP case to close October 1, 2015, for failure to provide the required verification to determine continued FAP eligibility. Department Exhibit 3-7. On September 23, 2015, the Claimant filed a hearing request, protesting the Department's action. On September 24, 2015, the Department sent the Claimant a notice that the required verifications were received and that her FAP benefits were going to be reinstated. Department Exhibit 8-11. BAM 105, 130, 210, 220 and 600. BEM 400 and 500.

During the hearing, the Claimant stated that she and her Department Caseworker were having a communication problem. Her FAP case was being repeatedly closed for failure to provide verification for her son. Her son is unable to get his check stubs, but in the past the Department Caseworker has gotten the verifications. However, the Department Caseworker doesn't always get the verification and the Claimant's FAP case gets closed. She stated that the Department Caseworker does not always return her calls. The Department Supervisor thought a better way of communicating would be through email because it would provide written documentation of the communication between the Claimant and the Department Caseworker. As a result, the Claimant has asked her son to leave her household and he has so that her FAP benefits are no longer affected.

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 reinstated the Claimant's FAP benefits when the required verifications were submitted to determine FAP eligibility.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



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

Date Mailed: **11/23/2015**

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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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:

