



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: November 15, 2016
MAHS Docket No.: 16-014988
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 9, 2016, from Lansing, Michigan. Petitioner was represented by [REDACTED] of [REDACTED] County Welfare Rights. Petitioner and his sister [REDACTED] appeared and testified. The Department was represented by Family Independence Specialist [REDACTED]. Department's Exhibit A, pages 1-18 was admitted into evidence. Petitioner's Exhibit 1, pages 1-3 was admitted into evidence.

ISSUE

Did the Department properly deny Petitioner's August 16, 2016 application for Medical Assistance (MA) benefits?

Did the Department properly deny Petitioner's August 16, 2016 application for Food Assistance Program (FAP) 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. On August 16, 2016, Petitioner's niece submitted an online application for Medical Assistance (MA) and Food Assistance Program (FAP) benefits on Petitioner's behalf.
2. On August 17, 2016, Petitioner was sent a Health Care Coverage Determination Notice (DHHS-1606) which stated his application was denied because he was

already receiving Medical Assistance (MA) benefits under an existing case number.

3. On August 22, 2016, Petitioner was sent a Verification Checklist (DHHS-3503) requesting verification of his residential address and verification of his Supplemental Security Income (SSI) amount. The verifications were due back on September 1, 2016. Department Exhibit A pages 12 & 13.
4. On September 13, 2016, the Department had still not obtained verification of Petitioner's gross Supplemental Security Income (SSI) benefit. Petitioner was sent a Notice of Case Action (DHHS-1605) which stated his application was denied for failure to provide required verifications.
5. On September 20, 2016, Petitioner submitted a bank statement. Petitioner's Exhibit 1 page 1.
6. October 10, 2016, a hearing request was submitted on Petitioner's behalf.
7. On October 17, 2016, a Social Security Administration award letter was submitted showing Petitioner's gross Social Security benefit amount.

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.

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 Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Bridges Eligibility Manual (BEM) 503 Income, Unearned under verification sources, at page 41 provides:

RSDI and SSI

Recent check stub(s).

Consolidated Inquiry.

SOLQ.

BENDEX/SDX.

Award letter.

Statement from or contact with a reliable source. (Select other acceptable as the verification source.)

The Department representative testified that Petitioner did not show up under an SOLQ inquiry and that is why the Department requested verification of his Social Security benefit amount in the form of a recent check stub or award letter. The Department representative also testified that the bank statement is not sufficient verification of what Petitioner's gross Social Security Administration benefits are because it only shows what amount was deposited in Petitioner's account.

Petitioner and his sister testified that his niece speaks English well and submitted the application for him. They also testified that neither one of them spoke to anyone at the Department. They also testified that Petitioner does not receive a check from the Social Security Administration and that they did not know what an award letter was. [REDACTED] testified that at the Pre-hearing conference a Department supervisor explained that an award letter could be obtained from the Social Security Administration if Petitioner did not have one in his records. [REDACTED] further testified that she told Petitioner what she had learned and he obtained the award letter that was submitted on October 17, 2016.

Petitioner and his sister testified that they received the Verification Checklist (DHHS-3503) which requested a recent check stub or award letter as verification of Petitioner's Supplemental Security Income (SSI). They testified that they submitted the bank statement because it shows the deposits made by the Social Security Administration.

Petitioner's authorized hearing representative argued that the application should not have been denied because Petitioner and his sister did not know what an award letter was and because no one at the Department told them that they could get someone who speaks [REDACTED] to help them.

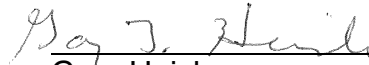
These arguments are not persuasive because Petitioner received the Verification Checklist (DHHS-3503) and nothing about the situation prevented him from finding out what an award letter was. Because Petitioner's niece who speaks English well, was the only one who communicated with the Department, there would be no reason for the Department to tell her that a Spanish speaker was available to help her Uncle.

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 denied Petitioner's August 16, 2016 application for Medical Assistance (MA) benefits and Food Assistance Program (FAP) benefits.

DECISION AND ORDER

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

GH/nr



Gary Heisler
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

DHHS

[REDACTED]

Petitioner

[REDACTED]

Counsel for Respondent

[REDACTED]