

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]
Claimant

Reg. No.: 2008-18456
Issue No.: 2018, 3019, 4013
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
March 2, 2009
Wayne County DHS (18)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a hearing was held in Taylor, Michigan on Monday, March 2, 2009. The Claimant appeared and testified. [REDACTED] [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's Medical Assistance ("MA-P"), State Disability Assistance ("SDA"), and Food Assistance ("FAP") benefit programs effective April 26, 2008.

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds a material fact:

1. On March 18, 2008, the Claimant submitted an application for public assistance seeking Medical and Food Assistance. (Exhibit 1, pp. 58 – 74)

2. On March 25, 2008, the Department sent a Verification Checklist to the Claimant requesting documentation is submitted by April 1, 2008. (Exhibit 1, p. 12)
3. The Claimant submitted some of the requested verifications, including earning statements and employment verification from her spouse. (Exhibit 1, pp. 7 – 11, 25 – 48)
4. The Claimant's spouse is a full-time truck driver.
5. The Claimant denied her spouse "lives" with her.
6. The Department requested income tax returns which were not provided however the Claimant confirmed she jointly filed taxes with her spouse.
7. On April 14, 2008, the Department denied the Claimant's FAP, MA-P, and SDA based upon the failure to return requested verifications thus unable to determine household group composition. (Exhibit 1, pp. 50 – 57)
8. On April 24, 2008, the Department received the Claimant's request for hearing protesting the denial of benefits. (Exhibit 1, p. 75)

CONCLUSIONS OF LAW

The Food Assistance Program, formerly known as the Food Stamp ("FS") program, is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations ("CFR"). The Department of Human Services ("DHS"), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Program Administrative Manual ("PAM"), the Program Eligibility Manual ("PEM"), and the Program Reference Manual ("PRM").

The Medical Assistance (“MA”) program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services (“DHS”), formally known as the Family Independence Agency, pursuant to MCL 400.10 *et seq* and MCL 400.105. Department policies are found in the PAM, PEM, and PRM.

The State Disability Assistance (“SDA”) program, which provides financial assistance for disabled persons, was established by 2004 PA 344. DHS administers the SDA program pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code (“MAC R”) 400.3151 – 400.3180. Department policies are found in PAM, PEM, and PRM.

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. PAM 105, p. 5 Verification means documentation or other evidence to establish the accuracy of the client’s verbal or written statements. PAM 130, p. 1 A collateral contact is a direct contact with a person, organization of agency to verify information from the client. PAM 130, p. 2 When documentation is not available, or clarification is needed, collateral contact may be necessary. PAM 130, p. 2 The client must obtain the required verification, however, the Department must assist if needed and/or requested. PAM 105, p. 10; PAM 130 p.2 If neither the client nor the Department is able to obtain verification despite reasonable effort, the Department should use the best available information. PAM 130, p. 3 If no evidence is available, the Department should use its best judgment. PAM 130, p. 3 Client’s are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. PAM 130, p. 4

In this case, the Claimant acknowledged that she was married; lived in her spouse’s house; filed joint income tax returns; but denied the spouse lived in the home. The Claimant’s

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