

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: 2008-20609
Issue No: 2006; 3003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 3, 2008
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held in [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ISSUE

Did the department correctly deny claimant's MA-M/FAP application (April 10, 2008) because claimant failed to verify her employment status by April 21, 2008?

FINDINGS OF FACT

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

(1) On April 10, 2008, claimant applied for MA-M/FAP for herself and her child.

Claimant requested retro MA-M for January, February and March 2008.

(2) On April 10, 2008, the caseworker gave claimant a verification checklist (DHS-3503) requesting verification of claimant's employment, or current check stubs.

(3) On April 11, 2008, claimant provided verification of income forms to the local office by dropping them in the lobby drop-box. She signed the log for that day stating that she had provided verifications to the department.

(4) On April 21, 2008, claimant provided other verifications by dropping them in the lobby drop-box. Again, she signed the drop-box log.

(5) Claimant's verification of income forms were lost by the department.

(6) On May 12, 2008, the caseworker denied claimant's applications due to failure to verify income, as requested on the DHS-3503.

(7) On May 1, 2008, claimant requested a hearing. Claimant's hearing request was timely.

(8) During the hearing, the case manager (FIM) agreed to reprocess claimant's MA-M and food stamp applications if claimant provides a verification of income for the period of January through April 2008. The verifications of income are due in the department's office by December 15, 2008.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10,

et seq., and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Food Assistance Program (FAP) (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 or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Department policy requires MA-M/FAP applicants to cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms, appearing for a face to face interview when requested, and providing all verifications needed to complete the application. PEM 105 and 400. See also PEM 130. Cooperation also includes the requirement that the applicant provide all miscellaneous items requested by the caseworker, in a timely fashion, in order to correctly determine eligibility for the programs requested. PEM Items 210, 212, and 220. See also PEM 400 and PEM 110, 115 and 130.

The preponderance of the evidence in the record shows that the caseworker issued the verification checklist (3503) on April 10, 2008, with a due date of April 21, 2008.

Unfortunately, for reasons not fully explained, the department never received the verification of employment form which claimant deposited in the local office drop box.

The case manager acknowledged that the department lost claimant's verification of income records after they were deposited in the lobby drop box.

In an attempt to redress claimant's objections to having her application denied after she had submitted the forms, using the lobby drop box, the case manager agreed to reprocess claimant's application

Based on a careful review of the entire record, and the decision by the case manager to reprocess claimant's application, the Administrative Law Judge concludes that the department has taken steps to correct the deficiencies in its drop box procedure.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly denied claimant's MA-M/FAP application due to claimant's failure to provide verification of income. However, since the department acknowledged responsibility for losing the verifications, the department has correctly agreed to reprocess claimant's application, if she verifies her income for the period in question by December 15, 2008.

Accordingly, the action taken by the department is, hereby, **AFFIRMED**.

/s/ _____
Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 29, 2008

Date Mailed: January 5, 2009

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

JWS/kgw

[REDACTED]