

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: 2008-26464

Issue No: 3008; 6015

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 22, 2009

Jackson County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 hearing was held on April 22, 2009.

ISSUES

- (1) Was the claimant's FAP allotment properly cut off for a failure to provide verifications?
- (2) Was the claimant's AMP eligibility properly cut off for a failure to provide verifications?

FINDINGS OF FACT

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

- (1) Claimant was an AMP and FAP recipient in Jackson County.

(2) In June, 2008, claimant was due for an annual re-determination with regard to his AMP benefits, and was due for a semi-annual contact with regard to his FAP allotment.

(3) On 5-19-08, claimant was sent a DHS-3503, Verification Checklist, and a DHS-1171, Assistance Application, and notified of a due date of 5-29-08.

(4) The requested AMP paperwork was not returned, and the case was entered into negative action with a close date of 6-11-08; claimant was notified of the negative action.

(5) No contact was made with the claimant, and claimant's AMP case closed on 6-11-08.

(6) On 6-26-08, claimant turned in the previously mailed DHS-1171, but none of the requested verifications.

(7) Because claimant's AMP case had already closed, this application was treated as a new AMP application.

(8) Claimant also did not return a DHS-1046, Semi Annual Contact Form, which was sent by the Central Office.

(9) On 6-30-08, claimant's FAP case closed as the claimant did not return the DHS-1046, or any of the required verifications.

(10) On 7-17-08, claimant applied for a hearing, alleging that he had been told his benefits would continue.

CONCLUSIONS OF LAW

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).

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

A DHS-1171, Assistance Application must be completed when eligibility is re-determined. PAM 210. An application is considered incomplete until it contains enough information to determine eligibility. PAM 115. Eligibility is determined through a claimant's verbal and written statements; however, verification is required to establish the accuracy of a claimant's verbal and written statements. Verification must be obtained when required by policy, or when information regarding an eligibility factor is incomplete, inconsistent, or contradictory. An application that remains incomplete may be denied. PAM 130. All sources of income must be verified. PEM 500.

FAP groups assigned a 24-month benefit period and FAP groups with earnings assigned a 12-month benefit period must have a mid-certification contact. The contact requirement is met by completion of a DHS-2240A, Mid-Certification Contact Notice for cases assigned a 24-month benefit period and by a DHS-1046, Semi-Annual Contact Report, for FAP cases with earnings assigned a 12-month benefit period. The semi-annual mid-certification contact must be completed by the sixth month of the benefit period and a budget completed, if applicable, to effect benefits no later than the seventh month's benefits. The contact is met by receipt of a completed DHS-1046 and required verifications from the client. PAM 210.

In the current case, the Department contends that claimant did not return any of his verifications, as required by the regulations, and was therefore cut off of his benefits.

With regard to the AMP cut-off, the Department contends that it sent claimant a DHS-1171, Assistance Application, and a DHS-3503, Verification Checklist, in order to complete the re-determination process. This allegation remains uncontested. Claimant admits that he did not turn in his DHS-1171, required by the regulations to re-determine eligibility, until 6-26-08, 15 days after the negative action date. Claimant was unable to provide any proof that could show that any of his applications or verifications were turned in timely, or indeed, at all. Furthermore, even if claimant had turned in the DHS-1171 before the due date, there is no evidence that claimant submitted the required verifications. Therefore, the undersigned has no choice but to affirm the Department's decision to cut claimant off, as required by the regulations.

With regard to the FAP cut-off, PAM 210 requires a mid-certification contact. Claimant did not return this form, nor did he turn in any of the requested verifications, and was unable to provide a reason for doing so. While a close reading of PAM 210 could infer that by turning in the DHS-1171 on 6-26-08, four days before the FAP closure date, claimant started the re-determination process over again, this interpretation of the regulation still does not absolve claimant of the fact that claimant did not turn in the requested income verifications that are typically involved in a mid-certification contact. Therefore, the Department was correct in its determination that claimant's FAP case should close.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to cut off claimant's AMP benefits was correct. The Department's decision to cut off claimant's FAP allotment was also correct.

Accordingly, the Department's decision in the above-stated matter is, hereby,
AFFIRMED.

/s/

Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 30, 2009

Date Mailed: April 30, 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 receipt 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.

RJC/cv

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