

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: 2009-10662
Issue No: 2007, 2012, 3008,
3012
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 3, 2009
Washtenaw 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 on March 3, 2008, in Ypsilanti. Claimant personally appeared and testified under oath.

The department was represented by Mary Weathers (FIM) and Jamie Lewis-Clay (ES).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly close claimant's AMP and FAP cases on December 27, 2008 due to claimant's failure to verify his eligibility factors by December 15, 2008, as required?

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 is a former AMP and FAP recipient.

(2) On December 5, 2008, the caseworker mailed the Verification Checklist (DHS-3503) to claimant. The caseworker requested verification of employment income from the Princeton Review and from a nonprofit organization. The verification period was November and December 2008.

(3) The Verification Checklist also notified claimant to appear for a face-to-face interview with the caseworker on December 15, 2008 at 1:30 p.m. in Ypsilanti.

(4) On December 15, claimant failed to attend the face-to-face interview with the caseworker and failed to provide the required income verifications from both of his employers.

(5) On December 15, the caseworker placed claimant's MA-P and FAP cases in negative action status. At the same time, the caseworker sent claimant a negative action notice advising him that his cases would close on December 27, due to claimant's failure to verify his eligibility factors by the due date.

(6) During the period from December 15 to December 27, claimant called his caseworker, but was unable to reach her.

(7) On December 30, 2008, claimant met with his caseworker and brought bank statements for the relevant period to show the amount of his employment income which was electronically deposited into his bank. The income reported on claimant's bank statement was net income.

(8) Current department policy requires claimants to verify gross income for AMP/FAP eligibility purposes.

(9) Claimant AMP/FAP cases closed on December 27.

(10) Claimant's caseworker was unable to reopen his AMP and FAP on December 30, because claimant failed to provide suitable income verifications from both of his employers by December 15, as required.

(11) The claimant thinks the department's action is arbitrary and capricious because the caseworker was hard to locate during the holidays and she would not accept his bank statements as verification of his earned income for the period in question.

CONCLUSIONS OF LAW

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).

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).

Under the PEM, Assets (400) of Income (500) must be verified in order to establish eligibility. In addition, any items bringing eligibility, such as employment status, which the caseworker deems necessary, or which are subject to the department's verification requirement, must be verified.

The department policy which applies to the issue in this case is as follows:

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to cooperate

ALL PROGRAMS

Clients must cooperate with the local office in determining initial and ongoing eligibility.

This includes completion of the necessary forms. PAM Item 105, page 5.

* * *

In this case, the caseworker requested that claimant verify his employment income for the period of November and December 2008. This information was legitimately required in order to determine claimant's eligibility for ongoing AMP and FAP benefits. PEM 210. In addition, the department's rules require that clients provide gross earned income in order to determine eligibility for AMP and FAP benefits. Documents (bank statements) which simply provide net income are not sufficient for eligibility reviews.

The preponderance of the evidence in the record shows the caseworker correctly asked claimant to provide income verifications for the period November and December 2008 from both of his employers, the [REDACTED] and a local nonprofit. The due date for providing this information was December 15, 2008.

The caseworker gave claimant proper written notice of his obligation to provide his gross employment income by December 15, 2008.

Claimant failed to provide the employment income requested by the due date. For this reason, the caseworker closed claimant's AMP and FAP cases on December 27, 2008.

A careful review of this record does not establish that the department's actions are arbitrary and capricious. The eligibility factors are main requirement for establishing eligibility for the programs which the department administers. When the eligibility requirements are not strictly followed by claimant, he is not entitled to benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly closed claimant's AMP and FAP cases on December 27, 2008, due to claimant's failure to provide timely verification of his employment income during November and December 2008.

The department's actions are AFFIRMED.

SO ORDERED.

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

Date Signed: March 27, 2009

Date Mailed: March 27, 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.

JWS/tg

2009-10662/jws

cc:

