

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: 2009-1500

Issue No: 3008

Case No:

Load No:

Hearing Date:

June 16, 2009

Kent County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 conducted from [REDACTED] on June 16, 2009.

ISSUE

Whether the Department properly terminated Claimant's Food Assistance Program (FAP) and Adult Medical Program (AMP) benefits based upon her failure to provide requested verification(s)?

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 a FAP and AMP recipient. (Exhibit 4)
- (2) On August 20, 2008, the Department mailed Claimant a Redetermination Packet including a Verification Checklist, DHS-3503, with a due date of August 30, 2008. (Exhibit 3)

(3) The Department did not receive the Redetermination Packet and required verifications from the Claimant so her FAP certification period ended on September 30, 2008. (Exhibit 4)

(4) On September 19, 2008, the Department mailed Claimant a Notice of Case Action informing her that her AMP coverage would be cancelled effective September 30, 2008 because she failed to return her redetermination form. (Exhibit 5)

(5) On October 2, 2008, the Department received Claimant's hearing request protesting the cancellation of her FAP and AMP benefits.

(6) Claimant's position is that she delivered all the required documents to the Department on August 25, 2008 by dropping them in the drop box to the attention of her caseworker. She called her caseworker on September 5, 2008 to make sure she received the documents and to give her some information about her employer. She then received notice a short time letter that her benefits were going to be cancelled so she filed a hearing request. Claimant did not re-apply for benefits because she was told that by doing so she would be giving up any claim for supplemental benefits and would start fresh based on her new application. Claimant's concern was that all the information she returned on August 25th along with information she returned on three other occasions was missing and this issue would not be addressed if she simply re-applied for benefits.

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. Departmental 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).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of 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 Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as local office option or information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. PAM 130, p.1 The Department uses documents, collateral contacts or home calls to verify information. PAM 130, p.1 A collateral contact is a direct contact with a person, organization or 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

Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the verifications requested by the Department. PAM 130, p. 4 If the client cannot provide the verification despite a reasonable effort, the time limit should be extended no more than once. PAM 130, p. 4 A negative action notice should be sent

when the client indicates a refusal to provide the verification or the time period provided has lapsed and the client has not made a reasonable effort to provide it. PAM 130, p.4

Clients are allowed a reasonable opportunity to resolve any discrepancy between statements and information obtained through another source. PAM 130, p. 6

Disagreements and misunderstandings should be resolved at the lowest possible level to avoid unnecessary hearings. PAM 600, p. 11

In the instant case, there is a dispute over whether Claimant returned the requested proofs to the Department. The Department stated that it did not receive anything from Claimant. Claimant testified that she turned in everything timely. Claimant's testimony was very credible. That is not to say that the Department's testimony was not, but the caseworker involved was not available for the hearing. There is no other evidence to review on this issue. The Department does not offer Claimant any type of receipt and there is also no sign in book.

I find that Claimant made a reasonable effort to provide the proofs requested by the Department. What happened to the documents is unknown. I understand that what Claimant really is seeking is the relief of knowing the location of her confidential information. However, I really cannot order the Department to produce something it does not believe it ever had. At the same time, I'm convinced that they had it for at least a short period of time.

With the above said, I find that the Department has not established that it acted in accordance with policy in terminating Claimant's FAP and AMP benefits based on her failure to provide requested verifications.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department did not act in accordance with policy in terminating Claimant's FAP and AMP benefits based on her failure to provide requested verifications.

Accordingly, the Department's FAP eligibility determination is REVERSED, it is SO ORDERED. The Department shall:

- (1) Conduct a reasonable search, including reviewing the closed case file, to see if it can locate Claimant's Redetermination Packet and/or requested verification information.
- (2) If the Department cannot locate this information, it shall forward a request to Claimant for whatever information it needs to make a FAP and AMP determination.
- (3) Reinstate Claimant's FAP and AMP case back to the date of closure and issue Claimant supplemental benefits she is entitled to, if any.
- (4) Notify Claimant in writing of the Department's revised determination.
- (5) Claimant retains the right to request a hearing if she would like to contest the Department's revised determination.

_____/s/_____
Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 17, 2009

Date Mailed: June 17, 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 60 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.

SMB/db

cc:

