

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: 2009-15870

Issue No: 3019

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 6, 2009

Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

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 6, 2009. Claimant and her nephew personally appeared and testified. The Department was represented by a family independence manager and an assistance payment worker.

ISSUE

Did the Department act properly in closing Claimant's Food Assistance Program (FAP) case on the grounds that she failed to respond to the Department's attempt to clarify information that called into question her group composition?

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 recipient for a group size of two that included her nephew. She had been receiving \$298 in monthly benefits.

- (2) Claimant's case was due for re-determination. Therefore, the Department sent her a recertification packet, including a DHS-3503, on January 9, 2009.
- (3) Claimant visited the Department office on January 27, 2009. Claimant had provided the Department with proof of her mortgage. Her monthly loan statement for February 2009 states that Claimant has a monthly mortgage payment of [REDACTED] for a home loan balance of [REDACTED]. Moreover, the monthly home loan statement also shows that the home loan account is in Claimant's and her husband's name. (Exhibit 4).
- (4) As a result of the husband's name appearing on the mortgage loan, the Department wanted to clarify whether Claimant's husband should be part of the FAP group. Her husband was not listed on the application.
- (5) The Department called the phone number on Claimant's FAP application twice and left messages. The phone belongs to Claimant's nephew who is part of the FAP group.
- (6) The nephew did not recall receiving the phone calls.
- (7) Because Claimant did not respond to the Department's request for clarification, the Department worker was unable to determine her eligible. Consequently, the Department sent Claimant a notice of denial on February 18, 2009, explaining that her case closed effective January 31, 2000. (Exhibit 2).
- (8) Claimant disagreed with the denial on the grounds that nothing had changed since she last applied for benefits.
- (9) The Department received Claimant's hearing request on February 24, 2009 (Exhibit 2).

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 (formerly known as the Family Independence Agency) 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

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Obtain verification when:

Required by policy. PEM items specify which factors and under what circumstances verification is required.

Required as a local office option. The requirement **must** be applied the same for every client. Local requirements may **not** be imposed for MA, TMA-Plus or AMP without prior approval from central office.

Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party. (PAM 130, pg. 1)

Obtaining Verification

All Programs

Tell the client what verification is required, how to obtain it, and the due date (See "Timeliness Standards" in this item). (PAM 130, pg. 2).

**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 necessary forms. (PAM 105, p. 5)

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. (PAM 105, p. 5)

Under PAM 130, when verification is sought, the client must be told “what verification is required, how to obtain it and the due date.” In addition, under PAM 105, the Department has a responsibility to assist clients in obtaining verification when help is requested and Claimant has the responsibility to cooperate.

In this case, the Department called the phone number provided on Claimant’s application for recertification in an attempt to give Claimant the opportunity to clarify certain information that raised questions about her group composition. In addition, the Department worker left messages after talking briefly with Claimant’s nephew before the calls were inadvertently disconnected. Therefore, because the nephew was part of the FAP group, it is found that Claimant had reason to know that the Department was trying to contact Claimant and had the responsibility to respond. Claimant failed to do so. Under these circumstances, it is found that the Department acted properly in closing Claimant’s case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly closed Claimant’s FAP case.

Accordingly, the Department's action is AFFIRMED.

/s/

Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 04/14/09

Date Mailed: 04/15/09

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.

TW/dj

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