

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: 2009-16171
Issue No: 2012; 3012
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 16, 2009
Ingham 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 April 16, 2009. Claimant personally appeared and testified under oath.

The department was represented by Elizabeth Wizorek (ES) and Vivian Lewis-Baxter (FIM).

ISSUE

Did the department correctly deny claimant's FAP/MA-P application because failed to verify his eligibility as required by the due date?

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 August 21, 2008, claimant applied for FAP and MA-P.

(2) At the time of application, claimant reported the receipt of disability income from

████████████████████.

(3) On August 25, 2008, the caseworker sent claimant a Verification Checklist (DHS-3503). The checklist requested verification of claimant's disability income from ██████████

████████████████████. The due date for providing the verification was September 4, 2008.

(4) Claimant returned his completed application (DHS-1171) in a timely fashion, but he did not provide the ██████████ disability income verification, as required by September 4, 2008.

(5) On September 4, 2008, the caseworker denied claimant's FAP/MA-P application due to claimant's failure to verify his ██████████ disability income by the due date.

(6) On November 3, 2008, claimant requested a hearing.

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).

The following policies apply to the issues raised by claimant:

Verifications

All Programs

All clients must take action within their ability to obtain verifications. DHS staff must assist when necessary. See PAM 130, PEM 720 and PAM 105.

Current department policy requires FAP/MA-P applicants to cooperate with the local office in determining initial and ongoing eligibility for FAP/MA-P.

This includes the completion of necessary forms, a face-to-face meeting when requested, and verifying all income and assets. PAM 105.

The preponderance of the evidence in the record shows that claimant failed to verify his [REDACTED] disability income by September 4, 2008.

Since claimant did not submit the required verification by the due date, the caseworker correctly denied claimant's FAP/MA-P application.

A careful review of the record reveals no evidence of arbitrary or capricious action by the local office in processing claimant's FAP/MA-P application.

Therefore, the action taken by the department is correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly requested verification of claimant's [REDACTED] [REDACTED] disability income in order to determine the claimant's eligibility for the

programs in question. Furthermore, claimant failed to provide the required verification to the department by the due date.

Therefore, the action taken by the department is, hereby, AFFIRMED.

SO ORDERED.

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

Date Signed: April 21, 2009

Date Mailed: April 21, 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

cc:

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