


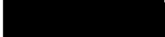
STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Claimant,

Reg No: 2009-16943
Issue No: 3022, 1018, 2008
Case No: 
Load No: 
Hearing Date:
May 7, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a hearing was conducted in Detroit, Michigan on May 7, 2009. The Claimant appeared and testified. Janine Parham, FIM, appeared for the Department.

ISSUE

Whether the Department properly closed the Claimant's FAP & MA case on 12/31/08 for 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. The Claimant was a FAP & MA recipient.
2. The Department scheduled an annual review including a 12/29/08 in-person interview. A verification checklist was mailed to Claimant on 12/15/08. (Exhibit 1, p. 3.)

3. Claimant did not appear for the 12/29/08 interview.
4. The Claimant's public assistance benefits dropped off the computer system on 12/29/08 after Claimant did not appear for the annual review interview.
5. Claimant testified that she did not receive the verification checklist until 1/2009.
6. Claimant testified that she moved to her current address on [REDACTED] in July of 2008.
7. Claimant testified that she came into the Department to report a change of address in April and again in July of 2008. Claimant was unaware of the change reporting center until March of 2009.
8. The Department notes indicate that Claimant told the Department that she reported her address change in August of 2008.
9. Claimant testified that she left a message with her caseworker on 1/13/09. Claimant never received a return phone call.
10. Claimant testified that she found a lump in her breast which caused her concern as a breast cancer survivor and prevented her from following up on her application.
11. Claimant dropped off an application for FAP, FIP and MA on March 4, 2009. (Exhibit 1, p. 2)
12. Claimant's application was processed for benefits for March of 2009.
13. The Department found Claimant had excess income and did not qualify for expedited FAP or FIP because of SSI income in the household.
14. The Department awarded FAP benefits for March of 2009.
15. Claimant is currently receiving \$10.00/month in FAP benefits.
16. On February 23, 2009, the Department received the Claimant's hearing request protesting the closure of the FAP and MA benefits on 12/29/08.

CONCLUSIONS OF LAW

The Food Assistance Program, 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), formally known as the Family Independence Agency, 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 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 (formerly known as the Family Independence Agency) 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).

A group's earned income is considered in the award of benefits. Earned income means income received from another person or organization or from self-employment for duties that were performed for remuneration or profit. Unearned income means all income that is NOT earned income. PAM 500 at p. 1. Both wages and unemployment compensation are countable income. PAM 518.

Clients are required to report changes in circumstance that potentially affect eligibility or benefit amount. Changes must be reported within 10 days after the client is aware of them. These include but are not limited to, changes in'

- Persons in the home
- Marital Status

- Address and shelter cost changes that result from the move.
- Vehicles
- Assets
- Child support expenses paid
- Health or hospital coverage and premiums
- Day care needs or providers.

PAM 105, pp. 7-8. Case workers are required to explain reporting requirements to clients at application, redetermination and when discussing changes in circumstances. Changes may be reported in person, by mail or by telephone. A DHS 2240, Change Report Form, may be used by clients to report changes, but it is not mandatory. PAM 105 at 8.

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. PAM 130, p. 1. The questionable information might be from the client or a third party. Id. The Department can use documents, collateral contacts or home calls to verify information. Id. The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. PAM 130, p.4; PEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. PAM 130, p. 4. Before making an eligibility determination, however, the department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. PAM 130, p. 6.

In the record presented, it is apparent that the Department mailed out Claimant's verification checklist for the annual review to the address on file. It is also clear that the Department was not aware of Claimant's new address until she filed her application on 3/4/09.

This is why Claimant did not receive the verification checklist packet until January of 2009 when her mail was forwarded. Claimant testified that she came in to the department to report a change of address in April and again in July of 2008. Contrastingly, the Claimant told the Department that she reported the change in person in August of 2008. (Exhibit 1, p. 23.). The address change was not reported to the change reporting center, however, so the address in the file remained the old address.

Based on the foregoing facts and relevant law, the undersigned finds that Claimant did not report her address change within the 10 days required in PAM 105. Accordingly, it is found that the Department properly closed the Claimant's FAP and MA benefits.

DECISION AND ORDER

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

Accordingly, it is ORDERED that the 12/29/09 closure of FAP and MA is AFFIRMED.

/s/

Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 05/15/09

Date Mailed: 05/19/09

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 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 mailing 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.

JV/dj

cc:

