

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: 2009-17951

Issue No: 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 13, 2009

Ionia 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 May 13, 2009.

ISSUE

Whether the Department properly denied Claimant's application for Food Assistance Program (FAP), Medical Assistance (MA) and Child Development and Care (CDC) 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) On January 9, 2009, Claimant completed an Assistance Application, DHS-1171, for FAP, MA and CDC benefits. (Exhibit 1)

(2) On January 28, 2009, the Department mailed Claimant a Verification Checklist, DHS-3503. The Verification Checklist required Claimant to return a completed Child Care Provider Verification, DHS-4025, a Verification of Employment Income, DHS-38, a Shelter Verification, DHS-3688, and proofs of income, assets and expenses. The due date was February 7, 2009. (Exhibit 2)

(3) On or about January 30, 2009, Claimant called the Department and left a message that it did not include a Verification of Employment Income with the Verification Checklist and that she needed to reschedule her February 2, 2009 interview due to car trouble.

(4) On February 11, 2009, the Department sent Claimant an Application Eligibility Notice informing her that her application for FAP, MA and CDC benefits had been denied for failure to return verifications. (Exhibit 3)

(5) On March 23, 2009, the Department received the Claimant's hearing request protesting the denial of her application for FAP, MA and CDC benefits.

(6) Claimant received the Verification Checklist and all accompanying documents with the exception of the Verification of Employment Income, but never returned the required documentation to the Department because she was waiting for a return phone call and a Verification of Employment to be sent to her so she could return all the completed documents at the time of the rescheduled interview.

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).

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the 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 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 Client's are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. 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 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 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.

In the instant case, there is no dispute that Claimant did not return the required information to the Department. The DHS-3503 clearly informed Claimant that she could bring the checked proofs to her interview, return them by mail or bring them to the

Department and that a failure to return the proofs by the due date could result in her benefits being denied. Maybe she did not get the Verification of Employment Income and maybe she did not get a return phone call, but she should have at least returned all the other completed documentation to the Department by the due date. With the above said, I do not find that Claimant made a reasonable effort to provide the information requested by the Department. I find that the Department established that it acted in accordance with policy in denying Claimant's application for FAP, MA and CDC benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly denied Claimant's application for FAP, MA and CDC benefits.

Accordingly, the Department's FAP, MA and CDC eligibility determination is AFFIRMED.

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

Date Signed: May 19, 2009

Date Mailed: May 20, 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:

