

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: 2009-21217

Issue No: 3008; 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 9, 2009

Roscommon County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 June 9, 2009.

ISSUE

Was the claimant's FAP and MA redetermination properly denied for a 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) On 2-13-09, claimant was sent a review and redetermination packet for the FAP and MA programs.

(2) This packet requested completion of the application and verification of all income and assets.

(3) An included DHS-3503, Verification Checklist, requested verification of all household income.

(4) Claimant was given a due date for these verifications of 2-23-09.

(5) Claimant returned the verifications on 2-22-09.

(6) On 2-25-09, claimant's caseworker was processing the application, and discovered that there had been changes to claimant's Social Security benefit amount.

(7) Claimant's caseworker contacted the SSA requesting an explanation, and was told that claimant had additional household income from his work [REDACTED]

(8) Claimant's caseworker re-reviewed claimant's redetermination application and discovered this income was not mentioned or verified anywhere in the packet.

(9) On 2-25-09, claimant's FAP and MA redetermination was denied and a notification was sent to claimant informing him of the denial.

(10) On 3-10-09, claimant's case was closed.

(11) On 4-9-09, claimant filed for hearing, alleging that she was unaware that she had to return verification of volunteer pay.

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. Department 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 (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).

A DHS-1171, Assistance Application must be completed when eligibility is re-determined. PAM 210. An application is considered incomplete until it contains enough information to determine eligibility. PAM 115. Eligibility is determined through a claimant's verbal and written statements; however, verification is required to establish the accuracy of a claimant's verbal and written statements. Verification must be obtained when required by policy, or when information regarding an eligibility factor is incomplete, inconsistent, or contradictory. An application that remains incomplete may be denied. PAM 130. All sources of income must be verified. PEM 500.

In the current case, the Department contends that claimant did not return required verifications of all her income, as required by the regulations, and was therefore denied FAP and MA benefits at redetermination.

Claimant admits that she did not return these verifications, or in fact, mention the existence of this income at all, because the application and redetermination forms never specifically said that she had to verify or state the existence of "volunteer pay". It is uncontested that this income was the result of claimant's husband's work for a volunteer fire department.

This Administrative Law Judge does not find this contention credible. The DHS-1171, the DHS-3503 and the claimant's redetermination form all state that claimant is to state and verify "all income". This is stated in several different places on the various forms, and is sometimes in bold print. At no place do the forms state that "all income is to be reported except volunteer pay". In fact, the Administrative Law Judge is unable to tell exactly what "volunteer pay" would entail, the very term itself being an oxymoron. Regardless, the undersigned sees no reason why any particular sort of income is to be excluded from the reporting requirements. The decision to exclude various sources of income should be left up to the caseworker, not the claimant. The claimant has a duty to report and verify all income, regardless of its source.

Claimant did not do this, and the excuse for not doing so rings hollow. The Department was therefore correct in its statement that it was unable to determine eligibility—it needed verification of all household income in order to do so. Therefore, as the Department was unable to determine eligibility, it was correct when it denied claimant's redetermination.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to deny claimant's FAP and MA redetermination was correct.

Accordingly, the Department's decision in the above-stated matter is, hereby,
AFFIRMED.

/s/ _____
Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 30, 2009

Date Mailed: July 1, 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.

RJC/cv

cc:

