

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: 2009-22472  
Issue No: 2006; 3008  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
June 24, 2009  
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 June 24, 2009. The claimant appeared and provided testimony.

ISSUE

Did the department properly close the claimant's Food Assistance Program (FAP) and Medical Assistance (MA) benefits for failure to provide verifications in May, 2009?

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's case came due for a Semi-Annual Contact on April 1, 2009. The claimant returned the Semi-Annual Contact form on March 12, 2009, but did not enclose any proof of income with the form. On the form under "household income", the claimant listed two employers, [REDACTED] and [REDACTED]. (Department Exhibit 1).

2. The department mailed the claimant a Verification Checklist (DHS-3503) on March 13, 2009, that requested the claimant mail in paycheck stubs for the last 30 days and completed Verification of Employment Income (DHS-38) forms from both employers. The verifications were due back by April 1, 2009. (Department Exhibit 2, page 1).

3. On April 15, 2009, the claimant called the department worker to inquire about her FAP and MA closure. The department worker informed her that she had returned the employment verification from one employer, but not for [REDACTED]. The claimant told the worker that she had never started working for [REDACTED]. The department worker informed her that she would still need to have a Verification of Employment completed and returned and indicated she would mail the claimant another copy.

4. The department mailed the claimant another Verification Checklist (DHS-3503) on April 15, 2009, with a Verification of Employment Income (DHS-38) for the claimant to have [REDACTED] complete. (Department Exhibit 2, page 2)

5. The department did not receive any verification from the claimant regarding [REDACTED] and the department placed the case into negative action.

6. The claimant submitted a hearing request on May 8, 2009.

#### 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).

Department policy states:

## **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 the necessary forms. PAM, Item 105, p. 5.

The client might be unable to answer a question about himself or another person whose circumstances must be known. Allow the client at least 10 days (or other timeframe specified in policy) to obtain the needed information. PAM, Item 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, Item 105, p. 5.

### **Verifications**

#### **All Programs**

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See PAM 130 and PEM 702. PAM, Item 105, p. 8.

## VERIFICATION AND COLLATERAL CONTACTS

### DEPARTMENT POLICY

#### All Programs

**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, Item 130, p. 1.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. PAM, Item 130, p. 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). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification. PAM, Item 130, p. 2.

The client must obtain required verification, but you must assist if they need and request help. PAM, Item 130, p. 2. Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed and the client has not made a reasonable effort to provide it. PAM, Item 130, p. 4.

**MA Only**

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed. PAM, Item 130, p. 4.

The claimant testified that she did receive the Verification of Employment Income forms mailed from the department. The claimant testified that she spoke with the employer at [REDACTED] and that they agreed to call DHS to let the department know the claimant never started working there. The claimant admitted that she did not check back with the company or the department to ensure that the required information had been provided.

In this case, the claimant was given an extension to provide the verification. The first Verification Checklist required the employment verification to be returned by April 1, 2009. When the claimant called questioning why her case was being closed, the department issued another Verification Checklist, extending the due date for the verifications by ten days, to April 25, 2009. Department policy indicates that clients must take actions within their ability to obtain verifications. PAM 105, PAM 130. This would include following up with either the employer or the department to ensure that the verification was received by the department. The claimant did not take any such action.

The department never received the necessary information to be able to keep the claimant's case open. Thus, the department properly closed the claimant's case for the lack of verifications.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly closed the claimant's MA and FAP benefit cases due to the claimant's to provide required verifications.

Accordingly, the department's actions are UPHeld. SO ORDERED.

/s/  
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Suzanne L. Keegstra  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: July 10, 2009

Date Mailed: July 13, 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 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.

SLK 

cc:

