

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: 2009-23595

Issue No: 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

July 1, 2009

Wayne 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 July 1, 2009.

ISSUE

Whether the Department properly denied Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) application(s) based upon his 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 March 17, 2009, Claimant applied for FAP and MA benefits.
- (2) On March 17, 2009, the Department gave Claimant a Verification Checklist, DHS-3503, with a due date of March 27, 2009. (Exhibit 1)

(3) The Department stated that it received Claimant's driver's license, social security card at the time of application and the Shelter Verification timely, but it did not get to the correct caseworker until April 20, 2009. The Department did not receive anything else from Claimant and had questions about his income, assets, guardianship of his child and his address.

(4) Claimant testified that he informed the Department that he was not working, had applied for unemployment benefits, had no assets or phone, was not seeking benefits for his son and was basically homeless and staying at his girlfriend's mom's house which is the address listed on the Notice of Hearing. Claimant also testified that he returned the Shelter Verification the day after he applied.

(5) The Department denied Claimant's FAP and MA applications, but could not offer the manner in which Claimant was noticed. The Hearing Summary is blank as to Date client notified of department action and Effective date of action and states in the Explanation of action section that "I waited until 04/13/2009 due to the high volume of my case load to dispose of this case for failure to return verifications". The Department could not identify what went out to Claimant to inform him of the denial. Claimant denied receiving any notice. (Hearing Summary and Hearing Request)

(6) On May 5, 2009, the Department received Claimant's hearing request.

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).

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).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of 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 Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as local office option or information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. PAM 130, p.1 The Department uses documents, collateral contacts or home calls to verify information. 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

Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the verifications requested by the Department. 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 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. 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

In the instant case, the Department received the Shelter Verification timely and it did not get to the correct caseworker for several weeks. The Department and/or caseworker admittedly had a high volume case load. After listening to the testimony and reviewing the documentation offered by the parties, I believe this is a situation where Claimant made a reasonable effort to provide information and/or return documentation to the Department and deserves a reasonable opportunity to resolve any discrepancies so that the Department can make an up or down decision on his eligibility with all the information before them.

With the above said, I do not find that the Department established that it acted in accordance with policy in denying Claimant's application for 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 improperly denied Claimant's application for FAP and MA benefits based on his failure to provide requested verifications.

Accordingly, the Department's FAP and MA eligibility determinations are REVERSED, it is SO ORDERED. The Department shall:

- (1) Make a specific request to Claimant for any documents it still needs to process his March 17, 2009 application.
- (2) Process Claimant's March 17, 2009 application based on the documentation in its possession and/or is returned by Claimant by the due date.
- (3) Issue Claimant supplemental benefits he is entitled to, if any.
- (4) Notify Claimant in writing of the Department's revised determination.
- (5) Claimant retains the right to request a hearing if he would like to contest the Department's revised determination.

/S/

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

Date Signed: July 7, 2009

Date Mailed: July 7, 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:

[REDACTED]