

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: 2009-23950

Issue No: 3019, 2018

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

July 2, 2009

Macomb 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 July 2, 2009. The Claimant appeared and testified. Gerri Mrlik, FIM, and Kathleen Dyke, FIS appeared for the Department.

ISSUE

Whether the Department properly denied the Claimant's Food Assistance Program benefits ("FAP") and Medical Assistance ("MA") benefits on 4/13/09 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 applied for FAP and MA on 2/17/09.

2. A verification check list was sent out for each FAP and MA on 3/11/09 requesting identifications for the group adult members.
3. The Department testified that the IDs were never received by the Department.
4. Claimant testified that she mailed back a package containing mortgage information, a birth certificate, and other verifications.
5. The Department denied benefits and closed the FAP and MA cases on 4/13/09 for failure to turn in the verifications.
6. On May 11, 2009, the Department received the Claimant's hearing request protesting the denial of the FAP and MA benefits.

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).

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, the Department mailed out a verification checklist for FAP and MA. Claimant testified that she mailed back a package of information. The Department cannot recall if anything was received although the Department indicated that the ID was not received. Claimant's testimony was credible. It does not appear that Claimant was refusing to provide requested information. The Department indicated that an extension would have been granted to the Claimant if she had asked, yet no phone calls were made to Claimant to inquire about the status of the ID. Furthermore, Claimant would not have asked for an extension to turn in the verifications since she testified that she had already done so.

Based on the foregoing facts and relevant law, the undersigned finds that Claimant did not refuse to provide the information. Accordingly, the Department's decision to deny MA and FAP benefits is REVERSED.

DECISION AND ORDER

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

Accordingly, it is ORDERED:

1. The Department's 4/13/09 denial of FAP and MA is REVERSED.
2. The Department shall reopen the Claimant's FAP and MA case back to the date of closure, delete any negative action, and supplement the Claimant for any lost benefits she was otherwise entitled to receive.

/s/

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

Date Signed: 07/08/09

Date Mailed: 07/08/09

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:

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