

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: 2009-2461
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 3, 2009
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 March 3, 2009. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) case for failure to provide required 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) Claimant was an ongoing recipient of Food Assistance Program (FAP) benefits under the simplified reporting program.

(2) On July 2, 2008, claimant was sent a Semi-Annual Contact Report (DHS-1046). The report stated that claimant was required to complete the form, sign the form, and return the

form to her caseworker along with proof of income and expenses. The Report stated that it was due back by August 1, 2008, or claimant's Food Assistance Program (FAP) case would close on August 31, 2008.

(3) On July 25, 2008, claimant returned the report. Claimant had not signed the report. Claimant included income information

(4) On August 19, 2008, claimant was sent the unsigned report along with a Verification Checklist (DHS Form 3503). The Verification Checklist (DHS Form 3503) stated that the department needed the report signed, paycheck stubs for July and August, and pension/retirement income information. The items were due back on August 29, 2008.

(5) On August 27, 2008, claimant dropped off the signed report and most of the requested information. Claimant did not provide July pay stubs from one of her two sources of income.

(6) On September 30, 2008, the DHS caseworker closed claimant's Food Assistance Program (FAP) case. Notice of the closure was sent to claimant on the same day.

(7) On October 15, 2008, claimant submitted a request for hearing. Claimant also submitted a new application for Food Assistance Program (FAP) benefits. Claimant began receiving Food Assistance Program (FAP) benefits again in November as a result of the 10/15/08 application.

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).

Department policy provides the following guidance for caseworkers. The department's policies are available on the internet through the Department's website.

PAM 130 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.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level.

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.

The client must obtain required verification, but you must assist if they need and request help. If neither the client nor you can obtain

verification despite a reasonable effort, use the best available information. If **no** evidence is available, use your best judgment.

**Timeliness of
Verifications
CDC, FIP, FAP**

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit at least once.

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (e.g., fax, email), the date of the transmission is the receipt date.

Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a DHS representative are considered to be received the next business day.

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.

Only **adequate** notice is required for an application denial. **Timely** notice is required to reduce or terminate benefits.

Exception: At redetermination, **FAP** clients have until the last day of the redetermination month **or** 10 days, whichever is later, to provide verification. See PAM 210.

PAM 210 RE-DETERMINATION

**DEPARTMENT
POLICY
All Programs**

The department periodically reevaluates cases to ensure that eligibility for program benefits continues.

SDA, CDC, MA, AMP, TMAP and FAP

A **re-determination** is a periodic, thorough reevaluation of all eligibility factors to determine whether the group continues to be eligible for program benefits **or**, for **MA only**, whether a deductible case can remain active.

SDA, CDC, MA (except HK1, OHK) TMAP and FAP

A complete re-determination is required at least every 12 months. More frequent reviews are necessary for:

- Error-prone cases in response to supervisory case readings, quality assurance data or quality enhancement data.
- **MA only**, newborn cases (PEM 145) must be re-determined no later than the month of the child's first birthday.
- **TMA** re-determinations must be completed at least 40 days before the end of the 12-month eligibility period to accommodate TMAPlus ([PEM 647](#)).
- **FAP cases** with shorter benefit periods (See "Benefit Periods" in the "ELIGIBILITY DECISIONS" section of [PAM 115](#)).

FAP Only

FAP benefits stop at the end of the benefit period **unless** a re-determination is completed **and** a new benefit period is entered. If the client files a DHS-1171, Assistance Application or Filing Form, or DHS-2063B, Food Assistance Benefits Re-determination Filing Record, the re-determination process begins. Register FAP re-determinations on ASSIST, according to policy in [PAM 110](#). If the client does not submit a Re-determination request, allow the benefit period to expire.

MIDCERTIFICATION

CONTACT

FAP and MA except ALMB

FAP and MA Groups assigned a 24-month benefit period and FAP groups with earnings assigned a 12-month benefit period (as described in [PAM 115](#)) must have a mid-certification contact. The contact requirement is met by completion of a DHS-2240A, Mid-Certification Contact

Notice for cases assigned a 24-month benefit period and by a DHS-1046, Semi-Annual Contact Report, for FAP cases with earnings assigned a 12-month benefit period. The form may be completed by the client or by the specialist (during a telephone call, home call or interview with the client).

12-Month Benefit Period

The semi-annual mid-certification contact must be completed by the sixth month of the benefit period and a budget completed, if applicable, to effect benefits no later than the seventh month's benefits. The contact is met by receipt of a completed DHS-1046 and required verifications from the client or the client's authorized

representative. A DHS-1046 may also be completed by the specialist.

Log-In Code

When you receive a complete DHS-1046, Semi-Annual Contact Report, enter “Y” in the “Log” field on the FSOC screen on CIMS. A report is considered complete only when all of the sections (including the signature section) on the DHS-1046 are answered completely **and** required verifications are returned. The only necessary verification for a complete report is proof of income, if applicable.

Note: If an expense has changed and the client does not return proof of the expense but all of the sections on the report are answered completely, remove the expense when completing the budget.

Failure to Log in Semi-Annual Contact Report

If a “Y” is not entered in the “Log” field on CIMS by the tenth day of the sixth month indicating a complete Semi-Annual Report has been received, CIMS will generate a DHS-1046A, Potential Food Assistance (FAP) Closure, to the client. This reminder notice explains that the client must return the DHS-1046 and all required verifications by the last day of the month or the case will close.

If the client fails to return a complete Semi-Annual Contact Report by the last day of the sixth month, CIMS will automatically close the case. If the client reapplies, treat it as a new application i.e., prorate the benefits.

The controlling factor in this case is that claimant’s Simplified Reporting Food Assistance Program (FAP) case was due for a re-determination through the semi-annual contact report. The Semi-Annual Contact Report (DHS-1046) provided claimant with proper notice that her Food Assistance Program (FAP) case would close on August 31, 2008, if all required verifications were not received. Claimant does not dispute that she failed to provide all the required income verifications.

The facts in this case show that the case actually should have closed on August 31, 2008. The Hearing Summary notes that the case did not close automatically because it was

INCORRECTLY coded. That mistake gave rise to the circumstances under which the case was actually closed on September 30, 2008.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed Claimant's Food Assistance Program (FAP) case for failure to provide required verifications.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/


Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 9, 2009

Date Mailed: March 10, 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.

GFH 

cc: 