

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: 2009-25547
Issue No: 1005; 2006; 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 16, 2009
Eaton 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 July 16, 2009.

ISSUE

Was the claimant's assistance application 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) Claimant s applied for FAP, FIP and MA benefits in Eaton County.
- (2) On 5-8-09, claimant applied for the assistance in person and was interviewed the same day.
- (3) Claimant had not included her children's father on her assistance application.

- (4) Claimant was asked about the father.
- (5) Claimant stated that he did live in the home, but he was being put out of the home that day.
- (6) DHS explained, per policy, that the children's father needed to be included on the application as long as he was still in the home.
- (7) Claimant became extremely agitated and began to give contradictory answers.
- (8) Claimant was told that she should come back on Monday, May 11th if the situation changed, and the change would be noted on the case.
- (9) Claimant did not return, and did not provide any further verifications.
- (10) On 5-8-09, claimant's assistance application was denied for a failure to return verifications.
- (11) On 6-3-09, DHS received a request for hearing.

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (DHS or department) administers the

FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. 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 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. Group composition must be verified. Household members, including the father of an eligible child, are mandatory group members. BEM 210, 212.

Claimant told the Department during the interview that the father of her children lived in the house. This person was a mandatory group member, and therefore, was required to be part of the member group. BEM 210, 212. Claimant was unhappy with that policy (which is mandated by federal law), and became increasingly agitated, before leaving the interview. The Department

subsequently denied the application, because claimant had not provided any verification to determine eligibility, and it was unclear whether the father was living in the household.

It is undisputed that claimant did not provide any verifications, and did not return or in any way contact the Department after leaving on 5-8-09. Claimant has never alleged that she provided any verification to the Department. The Department testified that claimant's information given during the interview was contradictory and vague, leaving them unable to determine eligibility. During the hearing, claimant became extremely agitated, gave many contradictory and vague answers when posed questions by the Administrative Law Judge, and in short, did nothing that could weigh in favor of her credibility. Therefore, the undersigned finds that the Department's testimony into the erratic and agitated behavior of the claimant at the interview was completely credible, and the Department's subsequent actions were correct.

Claimant offered no evidence or argument that the Department had behaved improperly, beyond casting vague aspersions to their character and voicing disagreements with the policy and federal law. This does not constitute evidence, and the Administrative Law Judge finds claimant's arguments to be totally without merit.

The Administrative Law Judge finds that the Department could in no way determine eligibility, and thus, were correct when they denied claimant's application. If claimant feels inclined to provide the Department with the information they need to make an eligibility determination, claimant can reapply for benefits.

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 application for failure to return verifications 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: September 1, 2009

Date Mailed: September 2, 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:

