

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: 2009-28079
Issue No: 2006; 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 5, 2009
Eaton 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 August 5, 2009. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly terminate the claimant's Food Assistance Program (FAP) and Medical Assistance (MA) benefits for failure to return the required 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 FAP case came due for a redetermination during the month of April, 2009.

2. The claimant was mailed a Redetermination form (DHS-1010) on March 19, 2009. The claimant returned the completed form on March 30, 2009. However, it was missing the paycheck stubs needed. (Department Exhibit 3 – 6).

3. The department mailed the claimant a Verification Checklist (DHS-3503) that requested the last 30 days of check stubs or earnings statements. The verifications were due by May 7, 2009. (Department Exhibit 7).

4. On May 6, 2009, the claimant provided paycheck stubs for herself from March 29 – April 11, 2009 and from April 12, 2009 – April 25, 2009. The claimant also provided paycheck stubs from [REDACTED] (with whom she resides) for pay periods ending March 22, March 29, April 5 and April 19, 2009. (Department Exhibit 8 – 11).

5. The department terminated the claimant's group MA coverage and FAP benefits for failure to provide the required verifications because BRIDGES wouldn't recognize the 30 days of paycheck stubs the claimant provided, as BRIDGES wanted the stubs from March 1 and March 15, 2009. (Department Exhibit 12).

6. The claimant requested a hearing on June 24, 2009.

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 BRIDGES Administrative Manual (BAM), the BRIDGES Eligibility Manual (BEM) and the BRIDGES Reference Manual (BRM).

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 BRIDGES Administrative Manual (BAM), the BRIDGES Eligibility Manual (BEM) and the BRIDGES Reference Manual (BRM).

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. BAM, 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. BAM, Item 105, p. 5.

Verifications

All Programs

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

Assisting the Client

All Programs

The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications.

Particular sensitivity must be shown to clients who are illiterate, disabled or **not** fluent in English. PAM, Item 105, p. 9.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. BAM, 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. BAM, Item 130, p. 2.

The client must obtain required verification, but you must assist if they need and request help. BAM, Item 130, p. 2.

Timeliness Standards

All Programs (except TMAP)

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. BAM, Item 130, p. 4.

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. BAM, 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. BAM, Item 130, p. 4.

The department testified and the documentation shows that the claimant did submit her Redetermination form prior to the due date of April 1, 2009. The claimant did neglect to turn in the requested paycheck stubs for herself and her significant other, [REDACTED]. Therefore, the

department issued the claimant a Verification Checklist on April 27, 2009, requesting the “last 30 days of check stubs or earnings statements” by May 7, 2009. No specific dates of paycheck stubs were requested on the Verification Checklist. The form simply stated the “last 30 days of check stubs or earnings statements.”

The department does not dispute that the claimant submitted 30 days of paycheck stubs for herself and [REDACTED] by the due date of May 7, 2009. The department testified that the BRIDGES computer program wouldn't accept the paycheck stubs from the time period the claimant submitted, because the program wanted the paycheck stubs from March 1 and March 15, 2009. When this Administrative Law Judge questioned the department representative how the claimant would know she needed to provide a specific 30 days of paycheck stubs, the department representative testified that the claimant would not have known. The department representative agreed that this seemed unfair, but indicated that BRIDGES would not accept the other verifications the claimant provided.

Department policy indicates that the department should allow the client ten calendar days to provide the requested verifications. BAM 130, 210. Policy further states the department should send a negative action 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. BAM 130.

In this case, the claimant did comply with the Verification Checklist within the required time limits. The claimant can not be penalized because BRIDGES would only accept paycheck stubs from March 1 and March 15, 2009. This is a problem with BRIDGES, not with the claimant. By the time the Verification Checklist was mailed to the claimant, the last 30 days of paycheck stubs were, in fact, the ones submitted by the claimant. No indication was given to the

claimant to provide any other time period. Thus, the claimant clearly did comply with the policy requirements.

It is also noted that BRIDGES terminated the children's MA benefits, instead of placing the children on the Healthy Kids plan, which should have occurred, even if the claimant had not complied with the verification requirements. This may point to yet another problem with the BRIDGES program that may need to be addressed. However, this issue will be moot as the claimant and her household will have MA reinstated back to the date of closure.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly terminated the claimant's FAP and MA benefits as the claimant did provide the required verifications within the required time limits.

Accordingly, the department's actions are REVERSED. The department shall:

1. Reinstatement of the claimant's and her household's FAP and MA benefits back to the date of closure and issue any retroactive benefits the claimant and her family would be eligible for.

SO ORDERED.

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

Date Signed: September 22, 2009

Date Mailed: September 25, 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 

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