

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: 200930187
Issue No: 1005
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 20, 2009
Washtenaw 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 August 20, 2009.

ISSUE

Was the claimant's FIP case properly placed into closure 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 was a FIP recipient in Washtenaw County.
- (2) Claimant is mentally disabled, and had been receiving a medical deferral from the JET program.
- (3) Claimant's medical deferral came up for review in January 2009.

- (4) A verification checklist was sent to the claimant on January 16, 2009, with a due date of January 26, 2009.
- (5) The verifications were not received by the due date, and claimant's FIP case was pending to close.
- (6) Claimant had contacted the Department to tell them she was having trouble securing the medical verifications.
- (7) Claimant's doctor would not provide the verifications until he had examined claimant.
- (8) Claimant's case was closed on February 24, 2009.
- (9) The required medical verifications to continue a deferral were received via fax from claimant's doctor on February 27, 2009.
- (10) On March 27, 2009, claimant requested a hearing, stating that she had returned all verifications.

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).

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.

In the current case, the Department contends that claimant did not return any of her verifications, as required by the regulations, and was therefore cut-off of her benefits because the Department was unable to determine eligibility.

This may have been the Department's reasoning at the time of the negative action, but the Department made a fundamental mistake in closing the case: there was no consideration as to whether the current case was based upon a determination of eligibility.

Claimant's case was never about an inability to determine eligibility. The verifications that claimant was supposed to return were indeed instrumental in determining whether claimant could be deferred from JET; the verifications had no bearing on whether claimant remained eligible for FIP. It is undisputed that had these verifications had some bearing on eligibility, the Department would be correct in closing claimant's case when it was unable to determine that eligibility. However, the verifications were only important in determining whether claimant had to attend the JET program. If the verifications were not returned in a timely manner, the correct action would not be a closure of the claimant's case, but rather, removing claimant's medical deferral and assigning claimant JET activities. At no point should claimant's case have closed.

Failing to return verifications should never result in an automatic case closure. Failing to return verifications should instead impact the area of the case claimant is not verifying. Shelter verifications in an FAP case only impact whether claimant can claim shelter expenses; likewise, medical deferral verifications only impact whether claimant is sent to JET. A case closure was an inappropriate action, and the Department was in error when it did not consider whether the case closure was a correct response to the claimant's actions.

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 place claimant's FIP case into closure was incorrect.

Accordingly, the Department's decision in the above stated matter is, hereby, REVERSED.

The Department is ORDERED to reopen claimant's FIP case retroactively to the date of negative action. Claimant is to be supplemented for any benefits not received as a result of the negative action.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 01/21/10

Date Mailed: 01/22/10

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.

RJC/dj

cc:

