

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: 2009-4762

Issue No: 3008, 2001

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

February 12, 2009

Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

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 February 12, 2009. Claimant and his witness personally appeared and testified.

ISSUE

Did the Department properly deny Claimant's applications for Food Assistance (FAP) and Adult Medical Program (AMP) benefits?

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 applied for FAP and AMP benefits on April 10, 2008.
- (2) The Department sent Claimant three Verification Checklists, DHS-3503 forms, requesting a variety of verifications. Two forms were dated May 5, 2008 and one was dated

May 14, 2008. Some information and documents were due on May 14, 2008 and others on May 20, 2008. (See Exhibits 4, 5 and 6).

(3) Claimant did not respond.

(4) Claimant's witness explained that Claimant suffers from anxiety attacks that make dealing with bureaucracies and paperwork difficult for him.

(5) Claimant did not ask the Department worker for assistance.

(6) The Department denied Claimant's application for FAP because he failed to submit the requested verifications. (Exhibit 2).

(7) The Department denied Claimant's application for AMP because of a freeze on the AMP enrollments that began in late 2007 or February 2008. (Exhibit 3).

(8) Claimant disagreed with the Department's denial of his application for FAP benefits on the grounds that he "only had four days to respond." (Exhibit 1).

(9) The Department received Claimant's hearing request on June 13, 2008. (Exhibit 1).

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 (formerly known as the Family Independence Agency) 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 Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (formerly known as the Family Independence Agency) pursuant to MCL 400.10, et seq.. Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

According to PAM 105, clients must cooperate with the local office in determining initial and ongoing eligibility. (*Emphasis added.*)

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 necessary forms. (PAM 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. (PAM 105, p. 5)

Claimant did not respond to the Department's request for verifications to process his FAP application. He also did not ask the Department worker for assistance. Because Claimant did not tell the Department worker that he was unable to get the verifications or was experiencing anxiety associated with the requests, the Department worker had no way of knowing that he needed assistance. The fact that Claimant believed he could not respond did not absolve him of the responsibility to cooperate or at least to ask for assistance. Regarding the AMP program, the Department denied Claimant's application because program enrollment was closed which was the proper action under the circumstances.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department properly denied Claimant's FAP and AMP applications.

Accordingly, the Department's actions are AFFIRMED.

/s/

Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 13, 2009

Date Mailed: February 20, 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.

TLW/cv

cc:

