

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: 2009-4869
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 10, 2009
Kent 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 March 10, 2009. The claimant personally appeared and testified.

ISSUE

Did the department properly close the claimant's Food Assistance Program (FAP) benefit case in November, 2008 for 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. The claimant was a FAP recipient when, on October 2, 2008, he was mailed a Semi-Annual Contact Report (DHS-1046). The form was to be completed and returned with proof of income and expenses by November 1, 2008.

2. The claimant returned the Semi-Annual Contact Report to the department on October 13, 2008. The claimant included two weeks of his wife's paycheck stubs from [REDACTED] and two weeks of his wife's paycheck stubs from [REDACTED] (Department Exhibit #2 – 5)

3. The department completed a Verification Checklist on October 20, 2008, informing the claimant that there was only two weeks of paycheck stubs for [REDACTED] and [REDACTED]. The department worker indicated Verification of Employment Income (DHS-38) forms were included with the Verification Checklist and gave the claimant until October 30, 2008, to have the forms completed by claimant's wife's employers and returned to the department (Department Exhibit #7).

4. The claimant returned the Verification Checklist and the two Verification of Employment forms on November 12, 2008. However, the claimant's wife had completed both the Verification of Employment forms and left several sections blank. The form very clearly states "Employer—Please provide the information requested in the following sections marked with an X." Further, all six sections indicate "(to be completed by employer)" (Department Exhibit #9 – 10).

5. The claimant turned in a request for hearing on November 12, 2008, and the negative action was removed.

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 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. PAM, Item 105, p. 5.

All Programs

Clients must completely and truthfully answer all questions on forms and in interviews. PAM, Item 105, p. 5.

The client might be unable to answer a question about himself or another person whose circumstances must be known. Allow the client at least 10 days (or other timeframe specified in policy) to obtain the needed information. PAM, 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. PAM, Item 105, p. 5.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See PAM 130 and PEM 702. PAM, 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.

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. PAM, 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. PAM, Item 130, p. 4.

Department policy requires the claimant to complete all verifications within time limits.

The claimant was mailed two Verification of Employment forms for his wife's employers. The form clearly indicates it is to be filled out by the employer in multiple places. The forms were due back to the department by October 30, 2008. The forms were not returned until November 12, 2008, and when they were returned they were only partially filled out and completed by the claimant's wife, not her employers.

The claimant testified that he didn't understand how to fill out the forms because he has dyslexia. This Administrative Law Judge asked the claimant if his wife had any disability and he testified that she did not. Thus, even if the claimant had a difficult time reading the forms due to a disability, his wife should have been able to discover the forms were to be completed by the employer, as he testified she had no disability that would limit her understanding.

The claimant testified that he went to the local DHS office to attempt to receive some help in completing the forms from his case worker. He testified that he was told he had to make

an appointment to see his worker. The case worker testified that she never received any telephone calls from the claimant indicating he needed help in completing the forms. Further, the department representative testified that there is a worker in the front office that is specifically there to help claimant's complete forms. When this Administrative Law Judge asked the claimant if he had availed himself of this assistance to help complete the forms, he testified that he had not.

Thus, the claimant did not return the forms by the due date and they were not filled out by his wife's employer as required. This Administrative Law Judge does not find that the claimant or his wife could not obtain the necessary verifications by the due date, but, rather that the claimant or his wife did not make a reasonable effort to obtain the verifications and turn them in by the due date.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly closed the claimant's FAP benefit case due to failure to provide the required verifications. Thus, the department's actions are AFFIRMED. SO ORDERED.

/s/

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

Date Signed: March 12, 2009

Date Mailed: March 13, 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.

SLK [REDACTED]

cc: [REDACTED]