

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: 2009-4989
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 15, 2009
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Kalamazoo, Michigan on January 15, 2009.

ISSUE

Whether the Department properly denied Claimant's FAP case based upon the failure to provide requested verification(s)?

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 benefits. The Department sent Claimant a Verification Checklist, DHS-3503, because Claimant indicated on the application that he and his spouse were not U.S. citizens. (Exhibits 1,2)

2. Claimant did not respond to the Verification Checklist by the due date so an Application Eligibility Notice was sent to Claimant which stated that his application for FAP benefits was denied for failure to return verifications. (Exhibit 3)

3. Claimant's daughter in law, [REDACTED], represented Claimant at hearing. She stated that Claimant and his wife do not speak English, but they live with a son who does understand some English including reading and doing the bills. [REDACTED] stated that she helped her in-laws with their application for both FAP benefits as well as medical assistance. She stated that she was told by Claimant's son that Claimant did not receive the Verification Checklist, but did receive the Application Eligibility Notice. [REDACTED] stated that she then returned to DHS and believed she filled out another application either for food, medical or both. The Department stated that it does not have any record of a second application from Claimant.

4. On August 25, 2008 the Department received the Claimant's hearing request protesting the denial of his FAP application.

CONCLUSIONS OF LAW

The Food Assistance Program, 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"), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Program Administrative Manual ("PAM"), the Program Eligibility Manual ("PEM"), and the Program Reference Manual ("PRM").

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. PAM 105, p. 5 Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. PAM 130, p. 1 A collateral contact is a direct contact with a person, organization of agency to verify information from the client. PAM 130, p. 2 When documentation is not available, or clarification is needed, collateral contact may be necessary. PAM 130, p. 2 Client's are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. PAM 130, p. 4 If the client cannot provide the verification despite a reasonable effort, the time limit should be extended no more than once. PAM 130, p. 4 Clients are allowed a reasonable opportunity to resolve any discrepancy between statements and information obtained through another source. PAM 130, p. 6 Disagreements and misunderstandings should be resolved at the lowest possible level to avoid unnecessary hearings. PAM 600, p. 11 A negative action notice should be sent when the client indicates a refusal to provide the verification or the time period provided has lapsed and the client has not made a reasonable effort to provide it.

In the instant case, Claimant did not respond to the Department's request for information and, therefore, it could not further process his application for benefits. Perhaps, Claimant's son overlooked the Verification Checklist or maybe did not understand what it was. The Department used the correct address and Claimant received the Application Eligibility Notice at this address. With the above said, I find that the Department followed policy in this matter.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly denied Claimant's FAP application.

Accordingly, the Department's FAP eligibility determination is AFFIRMED.

/s/

Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 5, 2009

Date Mailed: February 19, 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.

SMB

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