

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: 2009-6429
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 5, 2009
Wayne 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 February 5, 2009.

ISSUE

Whether the Department properly denied Claimant's FAP application 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. On November 7, 2008, Claimant applied for FAP and CDC benefits. (Exhibit 3)
2. Claimant's specialist [REDACTED], gave Claimant a Verification Checklist, DHS-3503, and a number of other verification documents which were due back to the Department by November 17, 2008. (Exhibit 1)

3. [REDACTED] had not received documentation from Claimant by the due date so she denied Claimant's application on November 18, 2008 and Claimant's FAP case was returned to her original specialist [REDACTED]. (Exhibit 2)

4. Claimant contacted [REDACTED] on November 26, 2008 to inquire about the status of her case. [REDACTED] reviewed Claimant's case on December 1, 2008 and informed her that the department had not received any of the requested information and that was why her application was denied. Claimant told [REDACTED] that she all dropped the required documents off on November 17, 2008. On December 8, 2008, [REDACTED] located Claimant's documents which were date stamped November 17, 2008 and explained to Claimant that they were incomplete and altered.

5. On December 9, 2008 the Department received the Claimant's hearing request protesting the denial of her FAP application. On December 15, 2008, Claimant re-applied for FAP benefits.

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 timely responded to the Department's request for information. Her specialist did not receive the documents so an Application Eligibility Notice was sent to the Claimant which stated that she was not eligible for benefits. Had Claimant not called to inquire about the status of her case, the Department might not have ever known that the documents were timely given and that a denial had already been sent out to Claimant. As it was, the Department did not locate Claimant's documents until December 8, 2008, 21 days after they were turned in and 12 days after Claimant's inquiry. Claimant filed a hearing request the next day, Tuesday, December 9, 2008, and re-filed for benefits on Monday, December 15, 2008.

There is no question that Claimant timely filed the requested documents. The “altered” documents – student enrollment form - is irrelevant to Claimant’s FAP case and the “incomplete” documents – employment and shelter verifications - could certainly have been completed more quickly if Claimant had been informed of this. For the above reasons, I do not find that the Department followed policy in this matter in denying Claimant’s application.

DECISION AND ORDER

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

Accordingly, the Department’s FAP eligibility determination is REVERSED. The Department shall supplement Claimant for any lost benefits she was otherwise entitled to receive from the November 7, 2008 application date to December 15, 2008, the date she re-applied for benefits.

/s/

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

Date Signed: February 13, 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.

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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

cc:

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