

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: 2009-7610
Issue No: 3008, 1005
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 30, 2009
Wayne 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 April 30, 2009. Claimant personally appeared and testified. A family independence manager represented the Department.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) and Family Independence Program (FIP) cases on the grounds that she failed to provide requested 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 is a FAP and FIP benefits recipient. Her expedited FAP case was opened on November 5, 2008.

- (2) On October 14, 2008, her FIP case was closed on the grounds that she failed to cooperate with the Department's child support section.
- (3) Claimant asserted that she complied with all the Department's requests for verifications and that, therefore, her case should not have been closed.
- (4) Claimant requested a hearing on December 9, 2008 on the ground that she was "not getting my food stamps or cash."
- (5) Prior to the hearing, the Department had already restored Claimant's FAP benefits for November 2008, December 2008, and February, March and April 2009. (Claimant was not entitled to FAP benefits for January 2009).
- (6) Claimant did not receive FIP benefit November and December 2008.
- (7) The Department received Claimant's hearing request on December 9, 2008.

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, et seq. The Department of Human Services (formerly known as the Family Independence Agency) administers the FIP program pursuant to MCL 400.10, et seq., and MAC R 400.3101-

3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

DEPARTMENT POLICY

All Programs

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Obtain verification when:

- Required by policy. PEM items specify which factors and under what circumstances verification is required.
- Required as a local office option. The requirement **must** be applied the same for every client. Local requirements may **not** be imposed for MA, TMA-Plus or AMP without prior approval from central office.
- Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level.

If a client indicates he/she has a disability that impairs his/her ability to gather verifications and information necessary to establish eligibility for benefits, offer to assist the individual in the gathering of such information.

Verification is **not** required:

- When the client is clearly ineligible, or
- For excluded income and assets **unless** needed to establish the exclusion.

Types of Verification

All Programs

Use documents, collateral contacts or home calls to verify information.

A **document** is a written form of verification. It may include a photocopy, facsimile or e-mail copy if the source is identifiable.

Permanent documents must be obtained only once. Examples: birth certificate, passports, divorce papers, death notice.

Nonpermanent documents must be current. Examples: driver's license, pay stub, rent receipt, utility bill, DHS-49. (PEM 130, p. 1)

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 has already been made whole regarding her loss of FAP benefits for November and December 2008 and February, March and April 2009.

During the hearing, the Department concluded a discussion with Claimant that began before the hearing that led to an agreement regarding this dispute. The Department agreed to contact the child support section and investigate whether Claimant had been sanctioned for noncompliance with the Department's child support section. Moreover, because Claimant contends that she had complied before her case was closed on October 14, 2008, the Department agreed that if an investigation revealed that Claimant had complied with any child support section requirements before October 14, 2008, the Department would issue supplemental FIP budgets for November and December 2008 to provide Claimant with any benefits that she was entitled to receive.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department is ORDERED to investigate Claimant's allegation that she complied with requirement of the Department's child support section. If the Department finds

that Claimant complied with any requirements before October 14, 2008, the Department is ORDERED to calculate Claimant's supplement budgets for November and December 2008 and issue any retroactive FAP and CDC benefits Claimant is eligible to receive.

/s/

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

Date Signed: 05/07/09

Date Mailed: 05/11/09

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.

TW/dj

cc:

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