

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: 2009-10643

Issue No: 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 11, 2009

Jackson County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 11, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly deny claimant's Food Assistance Program (FAP) application in January, 2009?

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 on December 2, 2008. On December 15, 2008, department mailed the claimant a Verification Checklist (DHS-3503) giving her until December 30, 2008, to provide various verifications, and setting an in-person interview for December 30, 2008, at 1:30 pm (Department's Exhibit #1).

2. Claimant appeared for the interview but did not provide requested verifications.
3. On January 5, 2009, department denied claimant's FAP application and mailed her an Application Eligibility Notice telling her she failed to provide requested verifications (Department's Exhibit #2).
4. Claimant requested a hearing on January 12, 2009, saying she turned in requested verification of employment on January 6, 2009, and "due to holidays this was the soonest these could be computed and turned in".

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).

Departmental 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.

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.

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.

VERIFICATION AND COLLATERAL CONTACTS

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. PAM, Item 130, p. 1.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. PAM, Item 130, p. 1.

Obtaining Verification

All Programs

Tell the client what verification is required, how to obtain it, and the due date (see “**Timeliness Standards**” in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the

DHS-1175, MA Determination Notice, to request verification. PAM, Item 130, p. 2.

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.

In claimant's case, a Verification Checklist was mailed to her on December 15, 2008, giving her until December 30, 2008, more than 10 days required by policy quoted above, to provide requested verifications. Claimant did not provide all of the verifications on December 30, 2008, and was given additional time to do so. Claimant's FAP application was denied on January 5, 2009, and claimant admits in her hearing request that she did not submit requested verifications until January 6, 2009. Claimant's hearing testimony is that she left the paperwork at boyfriend's house on December 30, 2008, that she had been busy taking care of her premature baby who was at [REDACTED] and also had a 3 ½ year-old that was being taken care of by her boyfriend. Claimant also states that her employer was closed on January 1 and 2, 2009, however claimant knew she had to have verification of her income through the Verification Checklist sent to her on December 15, 2008. In addition, claimant stated that she had the required paperwork on December 30, 2008, but left it at her boyfriend's house. Claimant further states that she did not like the caseworker that interviewed her on

December 30, 2008, as she found him/her offensive, and while she had the paperwork prior to January 6, 2009, she first wanted to talk to a supervisor before turning it in.

This Administrative Law Judge notes that the caseworker, no matter if the claimant found him/her offensive or not, followed departmental policy in giving the claimant more than 10 days required by such policy, 20 days total, to provide verifications needed to determine her FAP eligibility. Departmental policy deadlines are in place to ensure that clients receive assistance in a timely manner, and both clients and caseworkers must make every effort to adhere to them. The fact that the claimant left her paperwork at her boyfriend's house on December 30, 2008, and then chose to wait until January 6, 2009, to provide it to the department cannot be the basis for determining that her FAP application was denied in violation of departmental policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly denied claimant's FAP application in January, 2009.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/

Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 16, 2009

Date Mailed: March 17, 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.

200910643/IR

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.

IR [REDACTED]

cc:

[REDACTED]