

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: 2009-10819

Issue No: 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 11, 2009

Berrien 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 11, 2009. The claimant personally appeared and testified.

ISSUE

Did the department properly deny the claimant's Food Assistance Program (FAP) application for failure to provide requested verifications in December 2008?

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 submitted an Assistance Application on October 9, 2008, for FAP benefits (Hearing Summary).

2. On October 22, 2008, the claimant was mailed a Verification Checklist (DHS-3503) requiring the claimant to bring in proof of identity, income, and household expenses to her personal interview on November 5, 2008 (Claimant Exhibit #5).

3. The claimant did attend the personal interview on November 5, 2008, with the department caseworker.

4. The claimant was then mailed another Verification Checklist on November 7, 2008, requiring her to provide certain documents by November 18, 2008. These documents included driver's licenses, Verification of Employment Income, and asset records, which specifically had the box marked that stated, "copy of original trust papers and any changes made." On the bottom of the form, the "other" box was checked, requiring the claimant to turn in the following items, stating "DHS-3503C Verification of citizenship/identity. [REDACTED] as we discussed during your interview, I need proof of income for all group members, proof of [REDACTED] trust fund and proof of your husband's current address along with the other requested verifications." (Department Exhibit #1).

5. The department denied the claimant's application for FAP on December 5, 2008, for failure to provide verification of [REDACTED] trust fund (Department Exhibit #2)

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.

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.

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.

MA Only

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed. PAM, Item 130, p. 4.

The claimant testified that she did not receive the Verification Checklist (DHS-3503) dated November 7, 2008. The claimant testified that the only item she received was a Verification Checklist (DHS-3503C) dated November 7, 2008, which is used to indicate what identity records are required. The claimant testified that she did receive this document and that she did provide the requested information.

However, a review of the Verification Checklist (DHS-3503) that the department mailed on November 7, 2008, shows that the identification Verification Checklist (DHS-3503C) was enclosed with the Verification Checklist (DHS-3503) and they were both mailed to the claimant on November 7, 2008. The Verification Checklist (DHS-3503) that requires proof of income and assets, has the box marked "other" checked and the explanation next to it states "DHS-3503C Verification of Citizenship/Identity. [REDACTED] as we discussed during your interview, I need proof of income for all group members, proof of [REDACTED] trust fund and proof of your husband's current address along with the other requested verifications." Thus, it becomes evident that the claimant received the Verification Checklist (DHS-3503C) as a document sent with the other Verification Checklist (DHS-3503). These would have been mailed in one packet. Also, the department worker did inform the claimant during the in-person interview on November 5, 2008,

that she needed the information on the claimant's daughter's trust. The claimant did not dispute that she attended this interview.

The department representative testified that all of the requested verifications had been received, with the exception of the trust information. The claimant would not have known all of the verifications to provide unless she had received the November 7, 2008, Verification Checklist (DHS-3503). The checklist indicates that the claimant needs to provide the DHS-3503C, current bank statements, driver's licenses for [REDACTED] and [REDACTED] a DHS-38 Verification of Employment Income, paycheck stubs, as well as any other records of income. The department representative testified that the claimant did provide the driver's licenses, the DHS-38 Verification of Employment, bank statements and paycheck stubs. Since the claimant provided all of this information, except the trust information, the claimant must have received the Verification Checklist to have the forms (DHS-3503C and DHS-38) and to know exactly what documents to provide to the department representative.

Therefore, the claimant appears to have had notice that the department needed the trust information for her daughter and failed to provide it.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly deny the claimant's FAP application due to the failure of the claimant to provide the requested verification.

Accordingly, the department's action is AFFIRMED. SO ORDERED.

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

Date Signed: March 19, 2009

Date Mailed: March 20, 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]