

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: 2009-11276
Issue No: 3019, 5022, 2001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 4, 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 March 4, 2009. Claimant personally appeared and testified. An eligibility specialist represented the Department of Human Services (Department).

ISSUES

- (1) Did the Department properly deny Claimant's application for State Emergency Relief (SER) program?
- (2) Did the Department properly close Claimant's Adult Medical Program (AMP) and Food Assistance Program (FAP) cases?

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 was a recipient of AMP and FAP benefits.

(2) The Department worker wrote a note to Claimant requesting (1) income verification for [REDACTED], a man who rents a room in Claimant's home, (2) verification of his rent amount, (3) the water shut off notice, and (4) a complete application to continue FAP and AMP.

(3) On December 15, 2008, Claimant submitted a redetermination application for AMP and FAP. In addition, she also applied for SER benefits on December 15, 2008.

(4) Claimant applied for SER benefits because she received a water shutoff notice on dated [REDACTED] for a past due bill of [REDACTED]. (Exhibit 13).

(5) On December 17, 2008, Claimant put in the drop box at the Wayne County DHS on Lafayette, the Department worker's note (Exhibit 12), the water shut off notice (Exhibit 13), the verification that her tenant's rent is [REDACTED] per week (Exhibit 14), and her tenant's verification of income (Exhibit 15).

(6) The Department worker went on vacation sometime toward the end of December 2008.

(7) The Department closed Claimant's AMP and FAP cases on December 31, 2008 on the grounds that she did not provide the requested verifications; her application for SER was denied on the grounds that she did not provide the requested verifications.

(8) Claimant disagreed with the Department on the grounds that she timely provided the requested documents.

(9) The Department received her hearing request on January 8, 2009.

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 Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (formerly known as the Family Independence Agency) pursuant to MCL 400.10, et seq.. Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10 et seq., and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. Department of Human Services (formerly known as the Family Independence Agency) policies are found in the State Emergency Relief Manual (SER).

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)

Under PAM 130, the Department is required to verify certain information. In this case, Claimant provided the Department with the documents that the case worker asked her to provide. Claimant timely placed the documents in the Department drop box, along with case worker's

note requesting the documents. Therefore, is found that Claimant cooperated with the Department. The Department contends that Claimant did not submit the documentation. Claimant's testimony was found to be credible. In addition, Claimant provided the documents at the hearing. Moreover, the date on the water shutoff notice and on the verification of her tenant's income is consistent with her testimony. Therefore, the weight of the evidence is found to support Claimant's testimony that she timely responded to the Department's request for verification.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted improperly in denying Claimant's application for SER and in closing her AMP and FAP cases.

Accordingly, the Department's action is REVERSED. The Department also is ORDERED to reopen Claimant's FAP and AMP, allow her to submit the necessary documentation, calculate her allotment amount, and reimburse her for any benefits she would have been eligible to receive. The Department is also ORDERED to determine whether claimant is eligible for SER based on the water shutoff notice and any other relevant verification.

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

Date Signed: 3/19/09

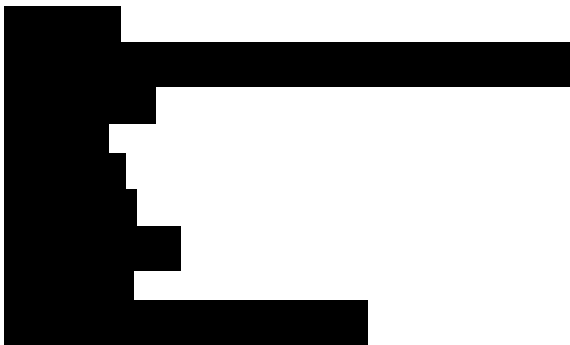
Date Mailed: 03/20/09 dj

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.

TW/dj

cc:

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