

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: 2009-12562
Issue No: 3019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 16, 2009
Macomb 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 16, 2009. Claimant personally appeared and testified. An eligibility specialist represented the Department of Human Services (Department).

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case?

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 FAP benefits for a group size of three. She received [REDACTED] in monthly benefits.
- (2) Claimant's daughter, a member of the FAP group, worked at a [REDACTED] [REDACTED] from 2006 to October 2008.

- (3) On August 4, 2008, the Department received an automated fix and find report regarding the daughter's employment. As a result, on August 5, 2008, the Department worker sent Claimant a Verification Checklist (Exhibit 3) that requested she submit Verification of Employment form, DHS-38 (Exhibit 2). The employment verification was due on August 20, 2008. (See Exhibit 3).
- (4) Claimant called the Department after receiving the Verification Checklist and the enclosed employment verification form to report that she was not working. The Department worker explained that the employment verification requested pertained to her daughter's employment.
- (5) Claimant did not take the form to her daughter's employer until October 2008. Claimant contends that medical conditions and appointments prevented her from making a timely response to the Department's request for employment verification. Claimant, however, did not inform the Department that she needed assistance and did not ask the Department for assistance.
- (6) The Department received her hearing request on January 2, 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).

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. Under PAM 105, the Claimant has a responsibility to cooperate with the Department. In this case, the Department sent Claimant a Verification Checklist requesting that she submit an employment verification form to the Department by August 20, 2008. Claimant also talked with the Department worker after getting the Checklist and employment verification form in August 2008. Claimant, however, did not tell the Department that she needed assistance and did not ask for assistance. Instead, Claimant waited more than a month to give the employment verification form to the employer. Under these circumstances, the Department acted properly when it closed her FAP case for failure to timely submit the employment verification form.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted properly in closing FAP case.

Accordingly, the Department's action is AFFIRMED.

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

Date Signed: 03/20/09

Date Mailed: 03/23/09 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:

[REDACTED]