

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: 2009-19784

Issue No: 3008

Case No:

[REDACTED]

Load No:

Hearing Date:

May 27, 2009

Kent County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 conducted from [REDACTED] on May 27, 2009.

ISSUE

Whether the Department properly terminated Claimant's Food Assistance Program (FAP) benefits and denied her application for the Medical Assistance (MA) program based upon her failure to provide requested verification(s)?

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 FAP recipient.
- (2) On or about March 27, 2009, Claimant applied for MA.

(3) On March 27, 2009, the Department mailed Claimant a Verification Checklist, DHS-3503, and a Verification of Employment, DHS-38, with a due date of April 7, 2009. (Exhibit 1)

(4) On March 30, 2009, Claimant called the Department to explain that her employment had been terminated and the Department explained to Claimant that the Department needed verification of termination of employment. (Exhibit 2)

(5) On April 2, 2009, Claimant filled out and returned the DHS-38 to the Department. (Exhibit 3)

(6) On April 8, 2009, the Department mailed Claimant a Notice of Case Action informing her that her FAP benefits would be cancelled effective April 21, 2009 for failure to report and/or provide verification of her income. (Notice of Case Action)

(7) The Department also denied Claimant's application for Medicaid for failure to timely return the DHS-38.

(8) On April 13, 2009, the Department received Claimant's hearing request.

(9) On April 27, 2009, the Department mailed Claimant a new DHS-38 which Claimant took to her last employer to have them fill out and fax to the Department.

(10) On May 6, 2009, Claimant's last employer completed and faxed the DHS-38 to the Department.

(11) The Department testified that Claimant had requested a hearing prior to the effective date of the action so she received benefits in May. It stated that Claimant's case will be closed if the undersigned determines that the Department followed policy and, if not, it will be closed in June because the Department determined that Claimant had no good cause for termination of her employment.

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. Departmental policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM), and the Program Reference Manual (PRM).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. PAM 105, p. 5 Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. PAM 130, p.1 Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as local office option or information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. PAM 130, p.1 The Department uses documents, collateral contacts or home calls to verify information.

PAM 130, p.1 A collateral contact is a direct contact with a person, organization or agency to verify information from the client. PAM 130, p. 2 When documentation is not available, or clarification is needed, collateral contact may be necessary. PAM 130, p. 2

Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the verifications requested by the Department. PAM 130, p. 4 If the client cannot provide the verification despite a reasonable effort, the time limit should be extended no more than once. PAM 130, p. 4 A negative action notice should be sent when the client indicates a refusal to provide the verification or the time period provided has lapsed and the client has not made a reasonable effort to provide it. PAM 130, p.4

In the instant case, Claimant received a DHS 3503 which clearly informed her that failure to timely return the requested proofs could result in her benefits being denied or cancelled. Claimant did not return a properly completed DHS-38 to the Department in a timely manner. While she did return a properly completed DHS-38 on her second try, it was a month late and clearly shows that she could have had it properly completed and returned timely with a reasonable effort. The Department established that it acted in accordance with policy in terminating Claimant's FAP case and denying her MA application based on her failure to provide requested verification(s).

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with policy in terminating Claimant's FAP case and denying her MA application based on her failure to provide requested verifications.

Accordingly, the Department's FAP and MA eligibility determination is
AFFIRMED, it is SO ORDERED.

_____/S/_____
Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 29, 2009

Date Mailed: June 2, 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 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 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.

SMB/db

cc:

