

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: 2009-2109
Issue No: 2006; 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 3, 2009
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Tuesday, February 3, 2009. The claimant personally appeared and testified with her authorized representative, [REDACTED].

ISSUE

Did the department properly deny the claimant's application for Medical Assistance (MA) and Food Assistance Program (FAP) because the claimant failed to return the required verification to determine eligibility?

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 filed an application on April 3, 2008 for MA and FAP.

(2) On June 16, 2008, the department caseworker sent the claimant a Verification Checklist, DHS-3503, that was due June 26, 2008 for the claimant to provide the required verification to determine eligibility with a Self-Employment Income and Expense Statement. (Department Exhibit 1-2)

(3) On July 30, 2008, the department caseworker received blank copies of the Self-Employment Income and Expense Statement. (Department Exhibit 2-6)

(4) On September 16, 2008, the department caseworker sent the claimant a denial notice for FAP and MA that the claimant did not provide the requested income information. (Department Exhibit 7)

(5) On October 3, 2008, the department received a hearing request from the claimant, contesting the department's negative action.

(6) During the hearing, the claimant's authorized representative stated that the claimant's husband even though self-employed had not worked or obtained any income for the contested time period, which resulted in the blank Self-Employment Income and Expense Statement that his income was zero.

(7) During the hearing, the Administrative Law Judge informed the authorized representative that even if his income was zero then the form still needed to be filled out and signed when it was resubmitted to the department and not to resubmit blank forms.

(8) During the hearing, the authorized representative stated that she did not know that the form needed to be filled out with zero and signed in order to be valid, but thought that the blank form would reflect that the claimant's husband had no self-employment income to report.

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).

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).

DEPARTMENT POLICY

All Programs

Clients have rights and responsibilities as specified in this item.

The local office must do **all** of the following:

- . Determine eligibility.
- . Calculate the level of benefits.
- . Protect client rights. PAM, Item 105, 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 the necessary forms. PAM, Item 105, p. 5.

Client Cooperation

The client is responsible for providing evidence needed to prove disability or blindness. However, you must assist the client when they need your help to obtain it. Such help includes the following:

- . Scheduling medical exam appointments
- . Paying for medical evidence and medical transportation
- . See PAM 815 and 825 for details. PEM, Item 260, p. 4.

All Programs

Clients must completely and truthfully answer all questions on forms and in interviews. 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.

LOCAL OFFICE RESPONSIBILITIES

All Programs

Ensure client rights described in this item are honored and that client responsibilities are explained in understandable terms. Clients are to be treated with dignity and respect by all DHS employees. PAM, Item 105, p. 8.

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

In the instant case, the claimant applied for MA and FAP benefits on April 3, 2008. The department caseworker sent a Verification Checklist on June 16, 2008, which was due back to the department by June 26, 2008 to verify the self-employment income through the Self-Employment Income and Expense Statement. The department caseworker only received a blank Self-Employment Income and Expense Statement on July 30, 2008 that was not filled out. As a result, the department caseworker could not determine the claimant's eligibility for MA and FAP based on the information provided. As a result, the department caseworker sent the claimant a denial notice on September 16, 2008 for MA and FAP because the claimant did not provide the requested income verification.

Therefore, the department has established that it was acting in compliance with department policy by determining that the claimant failed to provide the required income verification to determine eligibility for MA and FAP.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department appropriately denied the claimant's FAP and MA application because the claimant did not provide the required verification to determine eligibility.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 23, 2009

Date Mailed: March 24, 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 mailing 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.

CGF/vmc

cc:

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