

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: 2009-22132
2009-23101

Issue No: 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

September 16, 2009

Barry 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, an in-person hearing was held on Wednesday, September 16, 2009. The claimant personally appeared and testified on his own behalf.

ISSUE

Did the department properly deny the claimant's application for Food Assistance Program (FAP) benefits because the claimant did not provide the required verifications?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

(1) On December 17, 2008, the claimant applied for expedited FAP benefits only.

(Department Exhibit 1-16)

(2) During his required FAP interview, the claimant stated that he had a signed and dated library card for his ID. The claimant was told that that was not an acceptable form of ID per PEM 221, pp. 1-2.

(3) During the required FAP interview, the claimant did not provide a valid acceptable ID form per PEM 221. As a result, the claimant was denied expedited FAP because he did not provide the minimum verifications on December 17, 2008. (Department Exhibit A)

(4) On May 8, 2009, the claimant requested an in-person hearing due to the department determining eligibility incongrues to Title VII.

(5) In January 2009, the claimant went to the DHS office to complete a FAP application.

(6) As a result of the claimant's uncooperative behavior while the DHS program manager was trying to provide the claimant with assistance in completing the application, the DHS program manager took the application from the claimant prior to completion. The application was not signed/dated nor date stamped as to when the claimant was in the office. The application was left in the reception area for the claimant to come back and complete.

(Department Exhibit 2-10)

(7) Subsequently, central office asked the local office to review the claimant's eligibility for expedited FAP based on using a library card for ID, which violated DHS policy for FAP verification requirements.

(8) When reviewing the application submitted on December 17, 2008 and the unsigned and uncompleted application in January 2009, the department determined that neither

application was complete and as a result the department was unable to make a determination of eligibility for expedited FAP eligibility. (Department Exhibit 11)

(9) On May 8, 2009, the claimant asked that the application be processed according to policy and asked for an in-person hearing request.

(10) On May 8, 2009, the department sent the claimant a Pending Application Notice, DHS-330, stating that the application must be complete before DHS can determine your eligibility for FAP assistance. These applications must be completed and verifications provided before May 21, 2009 or your application for assistance may be denied. You may have a friend or relative help you fill out the form or you may call [REDACTED] for help in completing the form. Sign and date the application. (Department Exhibit 1-10)

(11) During the hearing, the DHS caseworker testified that the claimant did not return the required application or verifications by May 21, 2009 for the department to determine eligibility for FAP benefits.

(12) During the hearing, the claimant stated that he needed assistance to fill out his application for benefits.

(13) During the hearing, this Administrative Law Judge offered the claimant assistance in filling out a complete application so that he could sign and his FAP benefits could be processed, but the claimant declined to fill out and sign an application.

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

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.

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.

Responsibility to Report Changes

All Programs

This section applies to all groups **except** most FAP groups with earnings.

Clients must report changes in circumstances that potentially affect eligibility or benefit amount. Changes must be reported **within 10 days**:

- . after the client is aware of them, or
- . the start date of employment. PAM, Item 105, p. 7.

For TLFA only, the client must report to the specialist any month the work requirement is not fulfilled.

Explain reporting requirements to all clients at application, redetermination and when discussing changes in circumstances. PAM, 105, p. 8.

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.

DEPARTMENT POLICY

FIP, SDA, RAP, CDC and FAP

The grantee must verify his/her identity.
If an authorized representative (AR) applies on behalf of a group, the AR must verify his own and the client's identity.

VERIFICATION REQUIREMENTS

All Programs

Document verification source for each individual whose identity must be verified.

VERIFICATION SOURCES

CDC and FAP

The following are examples of acceptable verification of identity:

- Driver's license.
- State-issued identification.
- School-issued identification.
- Document indicating a client's receipt of benefits under a program which requires verification of identity (e.g., SSI, RSDI). If documentary evidence is not readily available, use a collateral contact to verify identity.

FAP only

The following are examples of acceptable verification of identity:

- Identification for health benefits.
- Voter registration card.
- Wage stub.
- Birth certificate/record.

This Administrative Law Judge finds that on December 17, 2008, that the claimant did not provide the required verifications to determine eligibility for FAP benefits. Subsequently, the claimant did not provide a completed signed application based on his second attempt in January 2009. The department did send the claimant, on May 8, 2009, an application to be filled out and verifications to be provided to be submitted by May 21, 2009. The claimant did not submit the application or the verifications to determine FAP eligibility by the due date of May 21, 2009.

During the hearing, this Administrative Law Judge offered to assist the claimant in completely

filling out a FAP form for the claimant to submit for FAP benefits and the claimant declined the assistance in filling out the application.

Therefore, the department has established that it was acting in compliance with department policy by determining that the claimant failed to provide the required verifications and completed, signed application.

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 expedited FAP application because the claimant did not provide the required verifications and a signed, completed application.

Accordingly, the department's decision is **AFFIRMED**.

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

Date Signed: October 1, 2009

Date Mailed: October 1, 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.

CGF/vmc

cc:

