

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: 2009-22602

Issue No: 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 23, 2009

Wayne 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 June 23, 2009.

ISSUE

Whether the Department properly terminated Claimant's Food Assistance Program (FAP), Family Independence Program (FIP) and Medical Assistance (MA) case 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, FIP and MA recipient.
- (2) On March 30, 2009, the Department mailed Claimant a Verification Checklist, DHS-3503, with a due date of April 10, 2009. (Exhibit 5)

(3) Claimant did not appear for the April 8, 2009 interview nor did she return any of the requested documents.

(4) On April 17, 2009, the Department mailed a negative action notice to Claimant informing her that her FAP, FIP and MA benefits would be cancelled effective April 29, 2009.

(5) On May 8, 2009, the Department received Claimant's hearing request protesting the cancellation of her FAP, FIP and MA benefits.

(6) Claimant stated that she never received the Verification Checklist from the Department and the fact that she missed her April 8<sup>th</sup> interview was never brought up by the Department at her April 9<sup>th</sup> triage meeting regarding a Workfirst noncompliance issue.

#### 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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (DHS or department)

administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. 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).

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, there is no dispute that Claimant did not appear for her interview or return the requested proofs to the Department in a timely manner. While Claimant stated that she did not receive the Verification Checklist from the Department and, therefore, she did not know about the interview or the need to return documents, the proper mailing and addressing of a letter creates a rebuttable presumption of receipt. There was no evidence offered to rebut the presumption. Also, the fact that the missed interview/document request was not brought up at a triage on a different issue is probably not uncommon given the Department caseload nor was it required by policy.

I find that the Department established that it acted in accordance with policy in terminating Claimant's FAP, FIP and MA case based on her failure to provide requested verifications.

#### 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, FIP and MA case based on her failure to provide requested verifications.

Accordingly, the Department's FAP, FIP 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: June 24, 2009

Date Mailed: June 25, 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.

SMB/db

cc:

[REDACTED]