

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: 2009-24156

Issue No: 3008; 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

July 2, 2009

Kent County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 July 2, 2009.

ISSUE

Was the claimant's FAP and MA eligibility properly cut off for a failure to provide 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) Claimant was up for redetermination on her FAP and MA eligibility in April, 2009.
- (2) On 3-16-09, claimant given a DHS-3503, Verification Checklist.

(3) Among the requested verifications were requests for records of all income sources and asset records.

(4) Claimant was given a due date for these verifications of 4-2-09, when an interview was scheduled.

(5) Claimant did not attend the interview, and only called in after the fact.

(6) Claimant did not return verifications of income or assets.

(7) On 5-1-09, claimant's FAP and MA was cut off.

(8) On 5-7-09, claimant filed for hearing, alleging that she had returned the verifications as requested.

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).

A DHS-1171, Assistance Application must be completed when eligibility is re-determined. PAM 210. An application is considered incomplete until it contains enough information to determine eligibility. PAM 115. Eligibility is determined through a claimant's verbal and written statements; however, verification is required to establish the accuracy of a claimant's verbal and written statements. Verification must be obtained when required by policy, or when information regarding an eligibility factor is incomplete, inconsistent, or contradictory. An application that remains incomplete may be denied. PAM 130. All sources of income must be verified. PEM 500.

In the current case, the Department contends that claimant did not return required verifications of her income or assets, as required by the regulations, and was therefore cut off from FAP benefits and MA.

Claimant admits that she did not attend the interview. Claimant states that she did turn in some verifications, but under questioning, admitted that she did not turn in all required verifications. Claimant was unable to provide evidence that she turned in the verifications she alleged. Therefore, as claimant has provided no evidence of turning in verifications, and further, admitted that, even if she turned in the verifications when she said she did, she was still missing several required verifications, the Administrative Law Judge must rule that the claimant has not met her burden of proof in showing that she was diligent in returning required information to the Department. Furthermore, the undersigned notes that claimant had almost 1 full month to correct the issue; she did not.

As PAM 130 explicitly states that an incomplete application or redetermination may be denied, the undersigned rules the Department was correct in its determination that claimant's FAP and MA case should be cut off.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to cut off claimant's FAP and MA case was correct.

Accordingly, the Department's decision in the above-stated matter is, hereby, AFFIRMED.

/s/ _____
Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 19, 2009

Date Mailed: August 19, 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.

RJC/cv

cc:

