

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: 2009-24817  
Issue No: 2006; 3008  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
July 23, 2009  
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 July 23, 2009. The claimant personally appeared and provided testimony, along with her boyfriend, [REDACTED]

ISSUE

Did the department properly deny the claimant's Food Assistance Program (FAP) and Medical Assistance (MA) application for failure to return the required verifications in April, 2009?

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 applied for FAP and MA benefits. On March 27, 2009, the department mailed the claimant a Verification Checklist (DHS-3503), which required the

claimant to provide a driver's license/social security card for all adults in the home, a birth certificate, a completed Verification of Employment Income (DHS-38), paycheck stubs, checking/savings account statements, a completed Shelter Verification form (DHS-3688) and current bills establishing household expenses. These items were due to the department by April 6, 2009. (Department Exhibit 4).

2. On April 6, 2009, the department caseworker handed the claimant another Verification Checklist (DHS-3503) at the personal interview that required the claimant to submit a completed Verification of Employment Income (DHS-38) by April 16, 2009. (Department Exhibit 3).

3. On April 14, 2009, the department mailed the claimant a Verification Checklist (DHS-3503 and DHS-3503-C) that required proof of the claimant's identity and citizenship, a driver's license/social security card, proof of all income and assets and household expenses. These items were due by April 27, 2009. (Department Exhibit 2, 5).

4. The claimant submitted a letter and a completed Verification of Employment Income (DHS-38) on April 28, 2009. The letter indicates that the claimant met with another caseworker for her personal interview on April 6, 2009 and was told the only other verification she needed to provide was the Verification of Employment Income. The claimant indicates that she couldn't get it into the department prior to April 28, 2009, because her sister had gone into the hospital on April 8 and had passed away on April 10, 2009. The Verification of Employment Income was filled out by the claimant's employer on April 27, 2009, and date stamped as received by the department on April 28, 2009. (Department Exhibit 6 – 8).

5. On April 24, 2009, the department mailed the claimant an Application Eligibility Notice (DHS-1150) that denied the claimant's application for MA and FAP benefits because the claimant had not submitted the required verifications. (Department Exhibit 1).

6. The claimant submitted a hearing request on May 7, 2009.

### 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 states:

#### **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.

**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.

**Assisting the Client**

**All Programs**

The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or **not** fluent in English. PAM, Item 105, p. 9.  
Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. PAM, Item 130, p. 1.

**Obtaining Verification**

**All Programs**

Tell the client what verification is required, how to obtain it, and the due date (see “**Timeliness Standards**” in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification. PAM, Item 130, p. 2.

The client must obtain required verification, but you must assist if they need and request help. PAM, Item 130, p. 2.

**Timeliness Standards**

**All Programs (except TMAP)**

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit at least once. PAM, Item 130, p. 4.

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed and the client has not made a reasonable effort to provide it. PAM, Item 130, p. 4.

**MA Only**

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed. PAM, Item 130, p. 4.

In this case, the claimant does not deny receiving the Verification Checklists (DHS-3503) requesting the verifications. The claimant testified that she had some tragic circumstances that prevented her from turning in all the necessary verifications within the required time period. The claimant testified that her young sister went into the hospital on April 8, 2009 and passed away on April 10, 2009. The claimant further testified that the viewing was on April 14, 2009 and the funeral was on April 15, 2009.

The department representative testified that several Verification Checklists were mailed/provided to the claimant. The Verification Checklists that were mailed/provided to the claimant show that the first one was mailed on March 27, 2009 and requested the claimant to provide (among other documents) a completed DHS-38 Verification of Employment Income by April 6, 2009. The claimant was handed another Verification Checklist at her personal interview on April 6, 2009, that requested a completed Verification of Employment Income to be turned into the department by April 16, 2009. Finally, a Verification Checklist was mailed to the

claimant on April 14, 2009, requesting the completed Verification of Employment Income by April 27, 2009. The claimant did not provide the Verification of Employment Income until April 28, 2009.

Department policy indicates that the department is to notify the claimant of what verifications are necessary by providing the claimant with a Verification Checklist (DHS-3503). PAM 130. The claimant is to be given 10 days to provide the required documents. PAM 130. The time period can be extended if the claimant requests additional time. PAM 130. Department policy directs staff to deny the application when the time period given has elapsed and the client has not made a reasonable effort to provide the verifications. PAM 130.

While this Administrative Law Judge certainly empathizes with the claimant in the tragic death of her sister, I must find that the department acted within policy. The claimant was first provided notice that the department needed the Verification of Employment Income on March 27, 2009. This had a due date of April 6, 2009. This was all prior to the claimant's sister's death. However, even after this, the claimant was provided with two more Verification Checklists informing her of the requirement to turn in the Verification of Employment Income. The last one was dated April 14, 2009 and due on April 27, 2009.

The claimant testified that she called her caseworker and requested additional time to provide the verification checklists, but this is not supported by the case file or the claimant's own letter dated April 21, 2009. The case file has no documentation of any telephone call to the local office made by the claimant requesting additional time. Further, in the claimant's letter to the caseworker dated April 21, 2009, the claimant indicates that she is sorry she didn't get the verification in sooner, but that she had been dealing with her sister's death and funeral. She mentions no telephone call to the department or extension of time that was provided to her.

Thus, considering the claimant knew the department needed the Verification of Employment Income on March 27, 2009, almost two weeks prior to her sister entering the hospital; the claimant did have time and opportunity to provide the verification. Even after the claimant's sister's death and funeral, the claimant didn't provide the form to the department until April 28, 2009, after three Verification Checklists had been provided to the claimant. There is no evidence that the claimant requested any extensions of time to produce the verification. In fact, the claimant's employer didn't complete the form until April 27, 2009; one month after the document was first requested. Therefore, this Administrative Law Judge is unable to find that the department did not act in accordance with policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied the claimant's FAP and MA application because the claimant did not provide the required verifications within time limits.

Accordingly, the department's actions are UPHELD. SO ORDERED.

/s/ \_\_\_\_\_  
Suzanne L. Keegstra  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: October 1, 2009

Date Mailed: October 5, 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.

SLK [REDACTED]

cc: [REDACTED]