

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.: 2009-24996
Issue No.: 3022/1032/2015
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
July 23, 2009
Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted in Detroit, Michigan on July 23, 2009. The Claimant appeared and testified. [REDACTED], FIM, appeared for the Department.

ISSUE

Whether the Department properly closed the Claimant's FIP, FAP & MA case on 3/10/09 for failure to provide verifications?

FINDINGS OF FACT

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

1. The Claimant was a FIP, FAP & MA recipient whose case was up for recertification.
2. On 3/10/09, the Department closed Claimant's case for failure to provide verification.
3. The Department was unable to provide any testimony regarding which verification was not provided by the Claimant as two caseworkers are moving to another district office

and all their case files and packed. Furthermore, the case worker who worked with Claimant is on medical leave and was not available to testify.

4. Claimant testified that she was never notified which verification was missing before she received a notice of case closure.
5. Claimant testified that she finally did speak with her caseworker and then turned in proof of her daughter's schooling.
6. Claimant reapplied for benefits on 4/17/09 and was awarded FIP, FAP and MA as of 5/16/09.
7. On May 22, 2009 the Department received the Claimant's hearing request protesting the closure of the FAP and MA benefits on 3/10/09.

CONCLUSIONS OF LAW

The Food Assistance Program, 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"), formally known as the Family Independence Agency, 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 (formerly known as the Family Independence Agency) 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 (formerly known as the Family Independence Agency) 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 to provide verification. PAM 130, p. 1. The questionable information might be from the client or a third party. Id. The Department can use documents, collateral contacts or home calls to verify information. Id. The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. PAM 130, p.4; PEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. PAM 130, p. 4. Before making an eligibility determination, however, the department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. PAM 130, p. 6.

In the record presented, the Department failed to provide any testimony as to why Claimant's case was closed. It is understood that the Department is undergoing a move and case files are packed up to move. However, the Department was also given notice of hearing date and

could have located the files or requested an adjournment of the hearing. As it is, there is simply not enough evidence to support the Department's actions. Claimant, on the other hand, testified that she turned in all the required verifications.

Based on the foregoing facts and relevant law, the undersigned finds that Claimant complied with the Department request for verification. Accordingly, it is found that the Department improperly closed the Claimant's FIP, FAP and MA benefits on 3/10/09.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant provided the necessary verification and the Department improperly closed the Claimant's FIP, FAP and MA case on 3/10/09.

Accordingly, the 3/10/09 closure of FIP, FAP and MA is REVERSED, and it is further ORDERED:

1. Any negative action associated with the 3/10/09 case closure shall be deleted; and
2. Claimant's FIP, FP and MA cases shall be reopened from the date of closure and the Department shall supplement the Claimant for any lost benefits she was otherwise entitled to receive.

/s/

Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/20/09

Date Mailed: 08/25/09

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.

JV/jlg

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