

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: 2009-26074
Issue No: 3008; 4014
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 18, 2009
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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 August 18, 2009.

ISSUE

Whether the Department of Human Services (department) acted in compliance with department policy when it determined claimant's Food Assistance Program (FAP) and Adult Medical Program (AMP) benefits?

FINDINGS OF FACT

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

- (1) March 30, 2009, claimant applied for FAP and Medical Assistance (MA).

Included with her application were the following: pay stubs from pay periods ending

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January 3, 2009, February 21, 2009, February 28, 2009, March 7, 2009, March 21, 2009, March 28, 2009. Each stub included the year to date pay total. Claimant A.

(2) April 10, 2009, the department sent claimant a Verification Checklist (DHS-3503) indicating a due date of 4/20/09 and listing required proofs as follows: current bank statements, birth certificate. Department A, pages 1-15. April 23, 2009, the department sent claimant written notice that her MA application was denied due to failure to provide the department with needed information. Department A, page 18. April 29, 2009, the department received the notice back in the mail marked “return to sender, attempted non known, unable to forward”. Department A, page 41. May 8, 2009, conversation with claimant revealed that she still lived at stated address and did not know why notice was returned. May 13, 2009, the department sent claimant a second written notice that her MA application was denied due to individual being eligible for program on another case. Department A, pages 19-20.

(3) May 6, 2009, the department sent claimant a second checklist indicating a due date of May 18, 2009 and listing required FAP proofs as follows: proof of residency. Department A, page 17. May 13, 2009, the department sent claimant a third checklist indicating a due date of 5/26/09 and listing required FAP proofs as follows: one of the following: last 30 days of check stubs or earnings, DHS-38, Verification of Employment; DHS-3569, Agricultural Income Verification. Department A, page 21.

(4) April 27, 2009, claimant provided to the department: Michigan Driver’s License, Social Security Card, pay stubs for the following pay period end dates: March 21, 2009, April 11, 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 Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Department manuals provide the following policy statements and instructions for caseworkers:

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms.

Clients must completely and truthfully answer all questions on forms and in interviews.

Program Administrative Manual (PAM) 105

LEGAL BASE

MA

42 CFR 431, 435
MCL 400.60(2)

FAP

- 7 CFR 271.6(a)
- 7 CFR 272.6(a),(b)
- 7 CFR 273.2(d)
- 7 CFR 275.12(g)

All Programs

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements.

Obtain verification when:

- Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party.

Use documents, collateral contacts or home calls to verify information.

Before determining eligibility, give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source.

LEGAL BASE

MA

- 42 CFR 435.913(a)
- 42 CFR 435.916(b)
- MCL 400.37

Public Law 109-171

FAP

- 7 CFR 273.2(f)

In this case, the department sent claimant three verification checklists indicating needed proofs. Each subsequent checklist indicated a different proof that was needed and all were not clear as to whether proofs already provided were adequate or still needed. The preponderance of evidence indicates that claimant did provide the proofs and/or attempted to provide the proofs by the due dates. Finding of Fact 1-4. Accordingly, the department has not met its burden of proof and its action can not be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services did not act in compliance with department policy when it determined claimant's eligibility for Food Assistance and Medical Assistance/Adult Medical Assistance program benefits.

Accordingly, the department's action is **HEREBY REVERSED**. The department is to initiate determination of claimant's eligibility for FAP, MA, and AMP in compliance with this decision and order and department policy.

/s/ _____
Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 28, 2009

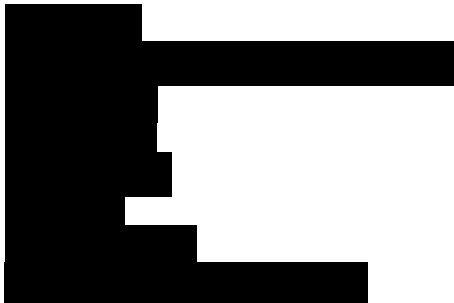
Date Mailed: September 2, 2009

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.

JAB/db

cc:

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