

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: 2009-26273
Issue No: 4003, 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 29, 2009
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 Detroit, Michigan on July 29, 2009. The Claimant appeared and testified. Esther Beneson, FIM, and Bernice Wagg, FIS, appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the claimant's State Disability Assistance (SDA) and Food Assistance (FAP) benefits for failure to return verifications?

FINDINGS OF FACT

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

1. Claimant was a recipient of SDA and FAP benefits.
2. Claimant filed a new application on February 5, 2009 as part of the review for his SDA benefits.

3. The Department issued a Verification Checklist on March 5, 2009 requesting verifications from the client with a due date of March 16, 2009 and indicating that there would be a phone interview. (Department Exhibit 1 pg. 7)
4. Claimant provided some verification to the department and testified that he had phone conversations with the caseworker.
5. On March 31, 2009 the department closed claimant's SDA and FAP benefits for failure to provide verifications.
6. Claimant requested a hearing on March 31, 2009 to contest the closure of the SDA and FAP benefits.

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference manual (PRM).

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 department periodically reevaluates cases to ensure that eligibility for program benefits continues. A re-determination is a periodic, thorough reevaluation of all eligibility

factors to determine whether the group continues to be eligible for program benefits. PAM 210. Clients must cooperate with the local office in determining initial and ongoing eligibility including completion of necessary forms. PAM 105. Under PAM 210, the department is to allow clients a full 10 calendar days from the date the verification is requested (date of request is not counted) to provide all documents and information. The department must also help clients who need and request assistance in obtaining verifications, and may extend the time limit, if necessary. PAM 210. A negative action notice is to be sent 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 130.

In the present case, claimant completed a new application on February 5, 2009 as part of the review process for his SDA benefits. Additional information was needed so the department issued a Verification Checklist on March 5, 2009 with a due date of March 16, 2009. (Department Exhibit 1 pg. 7) The Verification Checklist also indicated there would be an interview but no time or location was indicated. Instead, the notice states 'PHONE INTERVIEW SEE ATTACHED' (Department Exhibit 1 pg. 7) No attachment to the Verification Checklist was provided in the department's exhibits.

The department representatives present for the hearing were not assigned to claimant's case at the time this action was taken. Therefore, the department representatives were not able to provide any further information regarding when the phone interview was scheduled, if it was held, and if so, what occurred during the phone hearing. The exhibits submitted by the department include verifications from the claimant date stamped as received on March 16, 2009, the checklist due date. (Department Exhibit 1 pg. 5)

Claimant testified that he recalls phone conversations with his worker but can not recall any specific dates. Claimant believes his department worker told him additional information was

still needed and gave him a form for his MRS worker to complete. Claimant further testified that he gave this form to his MRS worker; however, the MRS worker needed more information from the department to complete the form. Claimant testified that he gave the MRS worker the contact information for his department worker. Claimant also testified that he contacted his department worker to explain the situation and gave his department worker the contact information for the MRS worker.

Based upon the foregoing facts and relevant law, it is found that the department's has not provided sufficient proof that the client refused to provide a verification or that the time period given had elapsed and the client was not made a reasonable effort to provide it. The records show claimant returned a completed DHS 1171 application as part of the SDA review process and submitted the verifications in response to the Verification Checklist. Although all of the requested information was not submitted by the March 16, 2009 due date, claimant provided credible testimony that he was making reasonable efforts, that he notified the department when the MRS worker needed more information from the department to complete the form. By doing so, claimant gave notice to the department that additional time was needed to obtain the verifications and that claimant requested assistance from the department. Therefore the closure of claimants SDA and FAP benefits for failure to return verifications was in error.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department improperly closed the claimant's SDA and FAP benefits.

Accordingly, the department's SDA and FAP determinations are REVERSED. Therefore it is ORDERED that the department re-determine eligibility for SDA and FAP retroactive to the closure date of March 31, 2009 and award benefits to claimant if appropriate. If additional

verifications are still needed, it is further ORDERED that the department assist claimant in obtaining the information in accordance with this Decision.

/s/
Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/28/09

Date Mailed: 09/01/09

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 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.

CL/dj

cc:

