

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: 2009-26281

Issue No: 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

July 29, 2009

Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 [REDACTED] on July 29, 2009.

ISSUE

Whether the Department properly denied Claimant's Food Assistance Program (FAP) and Adult Medical Program (AMP) application(s) based upon her failure to provide requested verification(s)?

FINDINGS OF FACT

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

- (1) On March 6, 2009, Claimant applied for FAP and AMP benefits.

(2) On March 16, 2009, the Department mailed Claimant a Verification Checklist, DHS-3503, requesting verifications and a telephone interview by March 26, 2009. (Exhibit 2)

(3) On March 24, 2009 and March 25, 2009, Claimant left voicemails for the Department requesting a return call to set up a phone interview. On March 25, 2009, Claimant sent the Department an email which referenced her voicemails and informed it that she would be dropping off requested verifications on March 26, 2009. (Exhibit 5)

(4) On March 26, 2009, Claimant dropped off requested verifications along with a note that her 2nd employer was having difficulty producing her paystubs so she did not yet have this documentation. Claimant was also missing documentation of her spouse's 2nd checking account.

(5) On March 26, 2009, the Department mailed Claimant a Notice of Missed Interview informing that she missed her scheduled interview and that her FAP application would be denied if she did not reschedule it before April 6, 2009. (Exhibit 1)

(6) On March 30, 2009, the Department mailed Claimant an Adult Medical Program Eligibility Notice informing Claimant that her application for AMP benefits was denied based on her failure to return requested verifications. (Exhibit 4)

(7) On April 9, 2009, the Department received Claimant's hearing request.

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. Departmental 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. This includes the completion of necessary forms. PAM 105, p. 5 Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. PAM 130, p.1 Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as local office option or information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. PAM 130, p.1 The Department uses documents, collateral contacts or home calls to verify information. PAM 130, p.1 A collateral contact is a direct contact with a person, organization or agency to verify information from the client. PAM 130, p. 2 When documentation is not available, or clarification is needed, collateral contact may be necessary. PAM 130, p. 2

Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the verifications requested by the Department. PAM 130, p. 4 If the client cannot provide the verification despite a reasonable effort, the time limit should be extended no more than once. PAM 130, p. 4 A negative action notice should be sent when the client indicates a refusal to provide the verification or the time period provided has lapsed and the client has not made a reasonable effort to provide it. PAM 130, p.4

Clients are allowed a reasonable opportunity to resolve any discrepancy between statements and information obtained through another source. PAM 130, p. 6

Disagreements and misunderstandings should be resolved at the lowest possible level to avoid unnecessary hearings. PAM 600, p. 11

In the instant case, Claimant made a reasonable effort to provide the proofs requested by the Department. I do not find that the Department established that it acted in accordance with policy in denying Claimant's application for FAP and AMP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department improperly denied Claimant's application for FAP and AMP benefits based on her failure to provide requested verifications.

Accordingly, the Department's action is REVERSED, it is SO ORDERED. The Department shall:

- (1) Reschedule Claimant's interview, assist her with securing any missing documentation and/or provide her a reasonable extension to produce any missing documentation, process her FAP and AMP application(s) and award her FAP and AMP benefits she is entitled to, if any.
- (2) Notify Claimant in writing of the Department's revised determination(s).
- (3) Claimant retains the right to request a hearing if she would like to contest the Department's revised determination(s).

/S/ _____
Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 6, 2009

Date Mailed: August 6, 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 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.

SMB/db

cc:

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