

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: 2009-27753
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 29, 2009
Muskegon 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 28, 2009. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly terminate the claimant's Food Assistance Program (FAP) benefits for failure to return the required redetermination materials in March, 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's FAP case came due for a redetermination during the month of March, 2009.
2. The claimant was mailed a Verification Checklist (DHS-3503) on February 20, 2009, informing her that her annual review for the FAP, Medical Assistance (MA)

and Child Day Care (CDC) programs was due. The Verification Checklist required the claimant submit a driver's license, Child Care Provider Verification form (DHS-4025), Day Care Aide Provider Application (DHS-220-A), Relative Care Provider Application (DHS-220-R), paycheck stubs and records of all income, current bank statements, records of all assets, a Shelter Verification form (DHS-3688), and proof of any mortgage, rent and/or property tax expenses. All of these verifications were requested to be returned on March 2, 2009, when the claimant was scheduled for an in-person interview at the local DHS office. (Department Exhibit 2).

3. The claimant did not attend the scheduled interview. The claimant was mailed a Notice of Missed Interview (DS-254) on March 2, 2009, informing the claimant that she had until March 31, 2009, to reschedule the interview or her redetermination would be denied. (Department Exhibit 1).

4. The personal interview was not held and the department placed the claimant's case into closure on March 31, 2009.

5. The claimant submitted a hearing request on May 14, 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).

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.

The claimant testified that she did receive the redetermination materials and the Notice of Missed Interview. The claimant testified that she couldn't attend the personal interview scheduled for March 2, 2009, because she had to work on that date. The claimant further testified that she called her case manager on several occasions to reschedule the interview and never received a call back from the worker.

Since the claimant's caseworker was not present in the hearing at this time, this Administrative Law Judge requested the Manager to have the worker come to the hearing. Once the worker came to the hearing, she testified that she received no telephone calls from the claimant asking to reschedule the personal interview. The caseworker further testified that she would have documented the telephone message or conversation and rescheduled the interview within the redetermination month.

The claimant testified that on or about March 30, 2009, she brought in the redetermination materials and placed them in the drop box at the local DHS office. The claimant's caseworker again testified that she had received none of the claimant's required verifications at any time. The claimant did not have a copy of the materials or any evidence to show that it was submitted to the department. Further, it would seem odd that the claimant would drop off the redetermination materials at the local office on March 30, 2009 and not, at least, attempt to see her case worker or leave a message for her, since she was aware that she needed to have a personal interview.

Thus, there is no evidence the claimant rescheduled the personal interview or submitted the required verifications for her redetermination. Department policy does require a personal interview for FAP redeterminations. PAM 210. This policy further states that if the claimant misses the scheduled interview, the department is to send the claimant a Notice of Missed Interview. This is the procedure the department followed. Thus, the department acted according to policy. Policy indicates that if the redetermination materials are not submitted by the end of the redetermination month, the benefit period expires.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly terminated the claimant's FAP benefits because the claimant had not participated in a personal interview and did not return the required verifications for her redetermination.

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: September 10, 2009

Date Mailed: September 16, 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.

SLK 

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