

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████

Claimant,

Reg No: 2009-27989

Issue No: 3008

Case No: ██████████

Load No: ██████████

Hearing Date:

September 24, 2009

Kent 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 ██████████ on September 24, 2009.

ISSUE

Whether the Department properly denied Claimant's application for Food Assistance Program (FAP), Child Development and Care (CDC) and Medical Assistance (MA) 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 May 11, 2009, Claimant applied for FAP, CDC and MA. (Exhibit 3)
- (2) On May 12, 2009, the Department mailed Claimant a Verification Checklist, DHS-3503, with a due date of May 28, 2009. (Exhibit 2)

(3) Claimant provided tax returns, pay stubs and a mortgage statement to the Department. (Exhibits 7-11)

(4) On June 4, 2009, the Department mailed Claimant a 2nd Verification Checklist, DHS-3503, with a due date of June 15, 2009. (Exhibit 12)

(5) On June 11, 2009, the Department mailed Claimant a Notice of Case Action informing her that her application for FAP, CDC and MA benefits was denied due based on her failure to return requested verifications. (Exhibit 1)

(6) On June 12, 2009, Claimant contacted the Department after receiving the Notice of Case Action. (Exhibit 6)

(7) On June 17, 2009, the Department received Claimant's hearing request protesting the denial of her application for FAP, CDC and MA benefits.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Bridges Reference Manual (BRM).

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations,

Parts 98 and 99. The Department of Human Services (DHS or department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Bridges Reference Manual (BRM).

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 (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Bridges Reference Manual (BRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105, p. 5 Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 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. BAM 130, p.1 The Department uses documents, collateral contacts or home calls to verify information. BAM 130, p.1 A collateral contact is a direct contact with a person, organization or agency to verify information from the client. BAM 130, p. 2 When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130, p. 2

Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the verifications requested by the Department. BAM 130, p. 4 If the client

cannot provide the verification despite a reasonable effort, the time limit should be extended no more than once. BAM 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. BAM 130, p. 4

Clients are allowed a reasonable opportunity to resolve any discrepancy between statements and information obtained through another source. BAM 130, p. 6 Disagreements and misunderstandings should be resolved at the lowest possible level to avoid unnecessary hearings. BAM 600, p. 11

In the instant case, Claimant did not initially provide the Department with all the information necessary to make a determination on her application for benefits. As a result, a 2nd request was sent to Claimant. The Department then denied Claimant's application prior to the due date on the 2nd request. There was some dispute as to whether Claimant told the Department that she would not provide the necessary information after she received the Notice of Case Action, but I find that she made a reasonable effort up until the point the denial was issued which was premature. With the above said, I do not find that the Department established that it acted in accordance with policy in denying Claimant's application for FAP, CDC and MA 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, CDC and MA benefits based on her failure to provide requested verifications.

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

(1) Make a specific request to Claimant for any information necessary to make a determination on Claimant's application for FAP, CDC and MA benefits and then process Claimant's application after the due date on the request.

(2) Issue Claimant supplemental benefits she is entitled to, if any.

(3) Notify Claimant in writing of the Department's revised determination.

(4) Claimant retains the right to request a hearing if she would like to contest the Department's revised determination.

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

Date Signed: September 29, 2009

Date Mailed: September 30, 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:

