

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: 2009-28533
Issue No: 3008, 6015
Case No: ██████████
Load No: ██████████
Hearing Date:
August 6, 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 ██████████ on August 6, 2009.

ISSUE

Whether the Department properly terminated Claimant's Food Assistance Program (FAP) and Child Development and Care (CDC) benefits 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) Claimant was a FAP recipient.
- (2) On or about December 10, 2008, Claimant applied for CDC benefits. She was given forms to fill out by the Department and she returned the forms to the Department by the due date.
- (3) Nothing happened in regard to Claimant's CDC application in the months of January and February 2009 until Claimant's case was assigned to a new worker.
- (4) On March 3, 2009, the Department sent Claimant a Verification Checklist, DHS-3503, requesting that she provide a Child Care Provider Verification, DHS-4025, and a Day Care Aide Provider Application, DHS-220A, with a due date of March 14, 2009. The DHS-3503 and the requested forms were necessary because Claimant was given the wrong forms back in December of 2008. (Exhibits 2,3)
- (5) On March 17, 2009, the Department opened Claimant's CDC case without a provider and sent Claimant a Child Development and Care Client Notice informing her that she was eligible for Child Development and Care Services. (Exhibit 1)
- (6) On April 3, 2009, Claimant's FAP case closed for failure to return the Semi-Annual Contact Report. (Hearing Summary)
- (7) On April 29, 2009, Claimant's CDC case automatically closed because Claimant had not returned any provider information to the Department.
- (8) On April 27, 2009, the Department received Claimant's hearing request protesting the denial of her application for CDC benefits and the termination of her FAP benefits.
- (9) Claimant testified very credibly at hearing that, on March 31, 2009, she signed the Drop Off Log and returned the correct daycare forms and the Semi-Annual

Contact Report to the Department. After hearing, the Department provided the undersigned with a copy of the Drop Off Log from March 31, 2009 bearing Claimant's name as well as the aforementioned documents.

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).

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 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 applied for CDC benefits in December 2008 and filled out and returned the forms provided to her by the Department by the due date. She

waited patiently for two months while nothing was done with her case. She then filled out and returned the correct day care forms after the deadline, but 30 days before the case closed. She also returned the Semi-Annual Contact Report by the due date stated on the Semi-Annual Contact Report (April 1st) and 30 days prior to the closing date stated on the Semi-Annual Contact Report (April 30th). She also filed her hearing request on April 27th, but her FAP benefits were not continued pending the hearing.

With the above said, suffice it to say, I believe that Claimant made a reasonable effort to provide the proofs requested by the Department for her CDC and FAP benefits. I do not find that the Department established that it acted in accordance with policy in denying Claimant's application for CDC benefits or terminating her FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, does not find that that the Department established that it acted in accordance with policy in denying Claimant's application for CDC benefits or terminating her FAP benefits based on her failure to provide requested verifications.

Accordingly, the Department's action(s) are REVERSED, it is SO ORDERED.

The Department shall:

- (1) Reinstatement of Claimant's FAP benefits retroactive to the closure date.
- (2) Process Claimant's Semi-Annual Contact Report and, if more information is needed from Claimant, it shall make a request to Claimant and give her a reasonable time to respond.
- (3) Process Claimant's CDC application from the December 10, 2008 application date.

- (4) Issue Claimant supplemental benefits she is entitled to, if any.
- (5) Notify Claimant in writing of the Department's revised determination(s).
- (6) 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 18, 2009

Date Mailed: August 18, 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.

SMB/db

cc:

