

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: 2009-29492
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 5, 2009
St. Joseph 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 August 5, 2009. The claimant personally appeared and provided testimony.

ISSUES

1. Did the department properly terminate the claimant's Food Assistance Program (FAP), Family Independence Program (FAP) and Medical Assistance (MA) benefits in July, 2009?
2. Did the department properly process the claimant's application for Child Development and Care (CDC) benefits in April, 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 applied for FAP, MA, CDC and FIP on April 24, 2009.
(Department Exhibit 9 – 24).
2. There is a Verification Checklist (DHS-3503) for the claimant in the case file dated April 28, 2009, which requested proof of income, proof of assets and proof of household expenses. However, there is no name or address on the form, thus it is difficult to ascertain if it was truly mailed to the claimant. (Department Exhibit 12).
3. There is a Verification Checklist that is not dated and does not contain a grantee client number or case number in the case file. This Verification Checklist is handwritten and requests a social security card for Brayden, birth certificates for both children, a Verification of Employment (DHS-38), asset records and current bills. The due date of June 11, 2009, is written in. (Department Exhibit 11).
4. On June 11, 2009, the claimant called the department and left a voice mail message for the case worker that indicated [REDACTED] was going to keep her employed. (Department Exhibit 8).
5. There is a Verification Checklist in the case file that is largely illegible. The only legible section is the date due, which has June 24, 2009, written in. There is also no client name or address in the mailing section, which makes it unclear if it was actually mailed to the claimant. (Department Exhibit 9).
6. The last Verification Checklist in the case file is also handwritten, without a client name and address in the mailing section. It is dated June 11, 2009 and requests a CDC Day Care Aid (DHS-220), a CDC Family Preservation Need Verification (DHS-4575), and a Verification of Employment Income (DHS-38). These items were due by June 29, 2009. (Department Exhibit 10).

7. While it is not very clear from the record, it does appear that the claimant was initially approved for MA, FIP and FAP. However, at some point the department issued a notice of case action closing all of her benefits. (Department Exhibit 13).

8. The claimant submitted a hearing request on July 7, 2009.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (DHS or department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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). 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).

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.

Department policy does require the claimant to comply with all requests for information. PAM 130. However, in this case, it is virtually impossible to determine what the department was requesting, when the department requested it and even if the claimant received the requests. As noted in the findings of fact, each of the Verification Checklists are hand-written, some illegible, and most with no name and address in the mailing section.

The case actions do not make any more sense. The hearing summary does indicate there was \$526 of monthly FAP benefits before the negative action and there is an exhibit which seems to show that the claimant was approved for MA, FIP and FAP at one point (Exhibit 13). The claimant testified that she did receive FAP, FIP and MA benefits from May until July, 2009, but that she her benefits were terminated in July. However, it is completely unclear why any benefits would have been approved if the claimant was indeed missing the requested verifications. There is no notice of case action in the hearing record and it is virtually impossible to figure out exactly what actions took place at what time.

The hearing summary indicates that the “client was less than truthful at our meeting. I pended her case to close due to not reporting full information at application, not providing requested verification of previous job/job stop and current employment. I never have received the ID’s for the children. Unable to reinstate due to incomplete current information provided.” However, beyond the obvious problems with the Verification Checklists, the department representative thumbed through the case file and found each of the requested items, with the exception of a social security card for one of the claimant’s children. The claimant testified that she had told the worker she requested the social security card from the Social Security Administration (in Kalamazoo), but had not yet received it. The department representative testified that there was a completed Verification of Employment from [REDACTED] paycheck stubs from

██████████ a Shelter Verification form, birth certificates, and all of the required CDC applications.

When this Administrative Law Judge inquired as to what was missing to cause the department to close the claimant's FAP, FIP and MA and not process the CDC, the department representative testified that all the information necessary for these programs seemed to be present. It is unclear from the evidence provided if the department ever took any action on the claimant's request for CDC, despite having the necessary documents.

In this case, the department simply has not met its burden to show that they requested certain information from the claimant and the claimant failed to provide it. To the contrary, it appears that the claimant did provide the necessary documents to allow the department to process the benefits. Therefore, the department erred in terminating the claimant's benefits and in not processing the CDC application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly terminated the claimant's FAP, FIP and MA benefits and did not properly process the claimant's CDC application.

Accordingly, the department is REVERSED. Therefore, the department shall:

1. Re-process the claimant's FAP, FIP, MA and CDC application back to the original date of application, April 24, 2009.
2. Issue the claimant any retroactive FAP, FIP, MA and CDC benefits back to April 24, 2009, that the claimant is eligible to receive, taking into account any benefits the claimant did receive during this time period.

SO ORDERED.

/s/ _____
Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 29, 2009

Date Mailed: October 5, 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 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.

SLK 

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