

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: 2009-32971

Issue No: 2006, 3008

Case No:

Load No:

Hearing Date:

September 15, 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 [REDACTED] on September 15, 2009.

ISSUE

Whether the Department properly terminated Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) 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 and MA recipient.
- (2) On May 20, 2009, the Department mailed a Redetermination to Claimant with a due date of June 8, 2009. It specifically states in pertinent part – "You must complete, sign and date this form, and return it with all proofs by bringing it with you to

your appointment, returning by mail or bringing it to DHS by the due date listed above.....If you do NOT return this form and all the required proofs by the due date, your benefits may be cancelled or reduced.” (Exhibit 3)

(3) On June 3, 2009, the Department received the Redetermination along with paystubs dated January 30, 2009 and May 22, 2009. Claimant wrote the following in the Client Comment section – “Please contact me if more is needed and I will bring it to my appointment. Thank you. CM” (Exhibit 3)

(4) On June 8, 2009, the Department and Claimant testified that a Notice of Case Action was mailed to Claimant informing her that her FAP and MA benefits would be cancelled effective July 1, 2009 for failure to provide the requested verifications.

(5) On June 20, 2009, the Department may have left a phone message for Claimant and/or spoke with her regarding her paystubs. Claimant denied that she received a phone message from or spoke with the Department and stated that she could not reach her caseworker by phone. (Exhibit 5)

(6) On June 23, 2009, the Department received Claimant’s hearing request protesting the cancellation of her FAP and MA benefits. (Exhibit 2)

(7) On June 24, 2009, the Department mailed Claimant a Verification Checklist, DHS-3503, with a due date of July 4, 2009. Claimant denied receiving this document. (Exhibit 6)

(8) On July 9, 2009, the Department received a paystub from Claimant dated June 5, 2009. (Exhibit 4)

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 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).

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

In the instant case, the Claimant timely returned the Redetermination to the Department, but failed to return the correct paystubs. Claimant testified that she grabbed the January 30, 2009 paystub by mistake and returned it along with the May 22, 2009 paystub to the Department. The Department received a June 5, 2009 paystub about a week after Claimant's case closed.

Claimant asked the Department to contact her if it needed anything else and she would bring it to the interview. The Department testified that it left a phone message in regard to the missing paystub, but the documentation record indicates that there was a phone message and a conversation about it. The Department could not really say what actually happened. Claimant denied that either occurred and stated that she could not reach her caseworker by phone. Claimant provided some phone records for the date in question to show that the Department never contacted her. The Department was asked to identify whether any of the incoming calls were Department numbers. It failed to do that, but did indicate that Claimant has two contact numbers. The Department also testified that it sent Claimant a Verification Checklist, but it is blank at the top where the name

and address are supposed to be listed other than some notes that appear to be made for the benefit of the Department. Claimant denied ever receiving this document. The Department was also asked to produce the Notice of Case Action after hearing, but it did not do so.

With the above said, I'm not so sure that the Department contacted Claimant about her missing paystub or sent her a Verification Checklist. If so, it certainly did not prove it based on the proofs offered at or after the hearing. However, the Redetermination was very clear as to what was going to happen if Claimant did not return the Redetermination along with all necessary proofs to the Department by the due date. It does not take a whole lot of effort to look at a paystub to make sure you have the correct one either at the time you grab it or prior to putting it into the envelope. Claimant also knew shortly after June 8th that her benefits were being cancelled effective July 1, 2009, but did not return another current paystub to the Department until July 9th. Under these circumstances, I do not find that Claimant made a reasonable effort to provide the requested information to the Department.

With the above said, I find that the Department established that it acted in accordance with policy in terminating Claimant's FAP and MA benefits based on her failure to provide requested verification(s).

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with policy in terminating Claimant's FAP and MA benefits based on her failure to provide requested

verification(s). Accordingly, the Department's FAP and MA eligibility determination(s) are AFFIRMED, it is SO ORDERED.

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

Date Signed: September 21, 2009

Date Mailed: September 22, 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:

