

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: 2009-33553

Issue No: 3008

Case No:

Load No:

Hearing Date:

September 22, 2009

Genesee 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 22, 2009.

ISSUE

Whether the Department properly terminated Claimant's Food Assistance Program (FAP), Medical Assistance (MA) and/or Family Independence Program (FIP) case(s) 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 July 16, 2009, the Department mailed Claimant a Verification Checklist, DHS-3503, with a due date of July 27, 2009 as a result of Claimant not returning any proof of income with her Redetermination. The requested proof of income on the 3503 was either her last 30 days of check stubs or earnings statements, an

employer statement, a DHS-38 Verification of Employment or a DHS-3569 Agricultural Income Verification. (Exhibits 2,4)

(2) On July 27, 2009, Claimant received the Verification Checklist after it was forwarded from her former address. She contacted her caseworker and left a message on this date that she just received the document and that her mother was sick in the hospital. Claimant reported the address change to the Department around July 11, 2009.

(3) On July 28, 2009, the Department received a July 24, 2009 paystub via fax from Claimant. Claimant sent her most recent check stub, not knowing/understanding that she was supposed to provide 30 days worth of income. She also included a cover sheet which stated in pertinent part – “I know my deadline was 7/27/09. Had a couple of problems. Please do not close my case. Here is a statement of my last pay check.”

(Exhibit 1)

(4) On July 29, 2009, the Department mailed Claimant a Notice of Case Action informing her that her FAP and MA case(s) would close effective September 1, 2009 based upon her failure to provide requested verification(s). (Exhibit 5)

(5) The negative action date (closure) for Claimant’s CDC case was May 5, 2009. (Exhibit 3)

(6) The Hearing Summary lists the “programs impacted by the Department Action - FIP and FAP”. (Hearing Summary)

(7) On August 18, 2009, the Department received Claimant’s hearing request which states that Claimant had received CDC, FAP and FIP benefits, but generally refers to her case closing in terms of the reason for the hearing request. (Hearing Request)

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 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 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).

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).

A group's benefits for a month are based, in part, on a prospective income determination. A "best estimate" of income expected to be received by the group during a specific month is determined and used in the budget computation. BEM 505, p. 1 Use income from the **past 30 days** if it appears to accurately reflect what is expected to be received in the benefit month. **Note:** The 30 day period used can begin up to 30 days before the interview date or the date the information was requested. BEM 505, p. 5.

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, there is no question that Claimant's FAP benefits were terminated as a result of lack of verification. Claimant stated in her hearing request that she had received FIP benefits although she does not specifically mention that they were terminated. The Hearing Summary lists the programs impacted by the Department action as FIP and FAP with a July 27, 2009 notification date. After hearing, the Department provided a July 29, 2009 Notice of Case Action which indicates that Claimant's MA and FAP case(s) were closed based on failure to verify information necessary to determine eligibility in these programs. Neither Claimant nor the Department ever mentioned MA benefits.

As to the lack of verification issue, Claimant did not provide the Department with any proof of income when she returned her Redetermination which necessitated the sending of the Verification Checklist, a 2nd request for the same information. Both documents clearly state that the Claimant needed to send back 30 days worth of proof of income, not just her last paystub. I understand that Claimant was dealing with her mother's illness and there was an issue with her address which caused late notification,

but I cannot find that Claimant made a reasonable effort to provide the income information requested by the Department in the Redetermination and/or the July 16th Verification Checklist.

With the above said, I find that the Department established that it acted in accordance with policy in terminating Claimant's FAP benefits. The Department also established that it acted in accordance with policy in terminating Claimant's FIP and MA benefits **IF** these benefits were terminated as a result of Claimant failing to provide income information requested by the Department in the Redetermination and/or the July 16, 2009 Verification Checklist.

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 benefits. Accordingly, the Department's FAP eligibility determination is **AFFIRMED**.

As noted above, the Department's FIP and MA eligibility determination(s) are also **AFFIRMED IF** Claimant's FIP and MA benefits were terminated as a result of Claimant failing to provide income information requested by the Department in the Redetermination and/or the July 16, 2009 Verification Checklist.

Finally, as explained during the hearing, the undersigned does not have jurisdiction to conduct a hearing on the CDC closure given that it was more than 90 days between the negative action date and the date of Claimant's hearing request. The Department, however, was going to discuss this issue with Claimant.

IT IS SO ORDERED.

/s/

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

Date Signed: October 1, 2009

Date Mailed: October 2, 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:

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