

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: 2009-35155
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 3, 2009
Lapeer 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 November 3, 2009. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly terminate the claimant's Food Assistance Program (FAP) benefits for failure to return the required verifications in August, 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 was mailed a Verification Checklist (DHS-3503) on August 4, 2009, requiring the claimant to submit a Verification of Employment (DHS-38), employment record or statement from her employer to show that she had stopped employment. The verification was due to the department by August 14, 2009. (Department Exhibit 1 – 2).

2. The claimant did not return the required verification and the claimant's FAP case was put into closure on August 18, 2009.

3. The claimant submitted a hearing request on August 26, 2009.

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. Department policies are found 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.

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The claimant testified that she did receive the Verification Checklist (DHS-3503) requiring her to turn in a completed Verification of Employment or employer's statement showing she was no longer employed. Department policy requires the claimant to comply with all information requests from the department to determine initial or ongoing eligibility.

PAM 105.

The claimant does not dispute that she received the Verification Checklist, but indicates that she had a family emergency she had to tend to and couldn't get the material in on time. The claimant testified that her sister was in the hospital after having a problem with her chemotherapy and that she had to go to Muskegon on about August 17th or 18th and provide support for her sister. The claimant testified that she didn't return home until her sister was back home and stabilized, which would have been somewhere around the end of August or very beginning of September.

Department policy does allow for an extension of time to be granted to the claimant to provide verifications, but the claimant must notify the department that they need additional time. PAM 130. In this case, the claimant did not provide any testimony or evidence that she ever contacted the department to request additional time to provide the materials. The Verification Checklist form (DHS-3503) that the client testified she did receive, states "[y]ou must get the proofs to me or call me by the due date above. If you do not, your benefits may be denied, decreased or cancelled. Call me right away if you have questions or problems getting the proofs." The name and telephone number of the specialist is also provided to the claimant. No evidence shows the claimant called and requested any extension or informed the department of any issues with getting the verifications in a timely manner.

Further, the claimant testified that she left to go to Muskegon on about the 17th or 18th of August, 2009. The Verification Checklist was mailed to the claimant on August 4, 2009 and the verifications were due by August 14, 2009, which was prior to when the claimant testified that she left town to attend to her sister. Thus, the claimant should have already had the verifications in to the department prior to when she had the family emergency.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly terminated the claimant's FAP benefits because the claimant did not return the required verifications within time limits.

Accordingly, the department's actions are UPHeld. SO ORDERED.

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

Date Signed: December 2, 2009

Date Mailed: December 8, 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.

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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.

SLK [REDACTED]

cc:

[REDACTED]