

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: 2009-35319
Issue No: 2006, 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 8, 2009
Gratiot County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 October 8, 2009. Claimant appeared and testified. Lee Hale, FIM, appeared on behalf of the department.

ISSUE

Did the Department properly close claimant's Medical Assistance (MA) and Food Assistance Program (FAP) benefits for failure to return verifications?

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 an ongoing recipient of MA and FAP benefits.
- (2) On August 13, 2009, the department found two jobs for claimant on a new hire report that had not been previously reported to the department. (Department Exhibit 1, pg. 2)

(3) On August 13, 2009, the department issued a Verification Checklist with a due date of August 23, 2009 for claimant to submit employment and income verifications.

(Department Exhibit 1, pg. 4)

(4) Claimant testified she received the verification checklist, but misunderstood the request and did not submit any documentation to the department.

(5) On August 24, 2009, the department issued a notice to claimant that the MA and FAP benefits would close effective September 7, 2009.

(6) Claimant filed a hearing request on September 8, 2009 to contest the MA and FAP closure.

CONCLUSIONS OF LAW

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).

Under PAM 105, clients must cooperate with the local office in determining initial and ongoing eligibility. The department is to request verification when required by policy, when required by local office option, or when information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. PAM 130. The department is to allow 10 days to provide the verification requested and a negative action notice is to be sent 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 130. The department must also help clients who need and request assistance in obtaining verifications, and may extend the time limit, if necessary. PAM 130.

In the present case, the department found two jobs on a new hire report that claimant had not previously reported. (Department Exhibit 1, pg. 2) On August 13, 2009, the department requested verification of the employment and income by issuing the Verification Checklist giving claimant until August 23, 2009 to submit the requested information. (Department Exhibit 1, pg. 4) Attached were Verification of Employment forms for these two employers to complete. (Department Exhibit 1, pgs. 5-8) The department testified they did not receive any information by the due date and therefore closed the MA and FAP benefits.

Claimant testified that she did receive the verification checklist but because she was no longer working at the two new jobs listed on the new hire report, she did not have current income from these employers to verify. Claimant further testified she misread the verification checklist, which did state she was to provide verification of current employment or that the employment ended in the "other" section. (Department Exhibit 1, pg. 4)

Based upon the foregoing facts and relevant law, it is found that the claimant failed to provide the requested verifications to the department. Accordingly, the department properly closed the MA and FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that department properly closed claimant's MA and FAP benefits for failure to provide the requested verifications.

Accordingly, the department's FAP and MA eligibility determinations are AFFIRMED. .

/s/ _____
Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 13, 2009

Date Mailed: October 14, 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 mailing date of the rehearing decision.

CL/cv

cc:

