

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: 2009-8973

Issue No: 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 5, 2009

Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

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 hearing was held on March 5, 2009. Claimant personally appeared and testified. An eligibility specialist represented the Department of Human Services (Department).

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case?

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 applied for FAP benefits and was approved for FAP benefits on November 22, 2008.

(2) On November 24, 2008, the Department sent Claimant a Verification Checklist, DHS-3503, requesting that she verify her employment start and end dates with two employers,

[REDACTED]

(3) Claimant contended on her application that her employment at [REDACTED] ended on [REDACTED]

(4) Claimant's application of November 22, 2008, however, did not mention her employment at [REDACTED]

(5) At the hearing, Claimant asserted that her employment at [REDACTED] ended sometime in [REDACTED].

(6) The Department sent Claimant a verification of employment form, DHS-38, for both employers. Claimant contends that she did not receive the DHS-38 forms.

(7) The Department closed her FAP case on December 16, 2008 after failing to receive the verifications of employment.

(8) The Department received Claimant's hearing request on December 8, 2008.

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 (formerly known as the Family Independence Agency) 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

All Programs

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Obtain verification when:

- Required by policy. PEM items specify which factors and under what circumstances verification is required.

- Required as a local office option. The requirement **must** be applied the same for every client. Local requirements may **not** be imposed for MA, TMA-Plus or AMP without prior approval from central office.
- Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level.

If a client indicates he/she has a disability that impairs his/her ability to gather verifications and information necessary to establish eligibility for benefits, offer to assist the individual in the gathering of such information.

Verification is **not** required:

- When the client is clearly ineligible, or
- For excluded income and assets **unless** needed to establish the exclusion.

Types of Verification

All Programs

Use documents, collateral contacts, or home calls to verify information.

A **document** is a written form of verification. It may include a photocopy, facsimile or e-mail copy if the source is identifiable.

Permanent documents must be obtained only once. Examples: birth certificate, passports, divorce papers, death notice.

Nonpermanent documents must be current. Examples: driver's license, pay stub, rent receipt, utility bill, DHS-49. (PEM 130, p. 1)

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 necessary forms. (PAM 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 105, p. 5)

Under PAM 130, the Department is required to verify certain information. In this case, the Department's testimony was found to be more credible than Claimant's testimony, especially in light of the fact that Claimant was working at [REDACTED], when she applied for FAP benefits but failed to identify that employment on her application. Therefore, it is found that Claimant failed to cooperate with the Department's request that she provide completed employment verifications for her employment at [REDACTED], and [REDACTED]

[REDACTED]

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted properly in closing Claimant's FAP case for failure to provide the requested employment verifications.

Accordingly, the Department's action is AFFIRMED.

/s/
Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 03/19/09

Date Mailed: 03/20/09 dj

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.

TW/dj

cc:

