

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: 2010-15790
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 11, 2010
Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 March 11, 2010.

ISSUE

Whether the Department of Human Services properly terminated Claimant's Food Assistance Program (FAP), Family Independence Program (FIP), Low Income Families Medicaid (LIF), and Child Development and Care (CDC) benefits based upon his failure to provide requested 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) The Claimant applied for FAP, FIP, LIF, and CDC benefits by submitting a Filing Form, DHS-1171, on October 21, 2009. (Department Exhibits 1, 2, 3, 4)

(2) On October 21, 2009, the Department sent Claimant a Verification Checklist with a due date of November 6, 2009. (Department Exhibit 15)

(3) On October 30, 2009, the Department sent Claimant a Verification Checklist with a due date of November 9, 2009. (Department Exhibits 5, 6, 7)

(4) On November 30, 2009, Claimant faxed the following documents: a copy of Claimant's Michigan Operator License, Letters of Guardianship, Acceptance of Appointment, and an Order Regarding Appointment of Guardian of a Minor.

(5) The Verification Checklist sent on October 30, 2010, in addition to the documents that were received by fax, listed proof of U.S. Citizenship, and Social Security number as necessary proofs the Claimant should have provided to the Department. The deadline for receiving these documents was November 9, 2009.

(6) On November 12, 2009, the Department sent Claimant a Notice of Case Action, which informed him that his FAP, FIP, LIF, and CDC benefits had been denied.

(7) On December 7, 2009, the Department received Claimant's request for a hearing, protesting the denial of his benefits request.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), 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), Reference Table Manual (RFT), 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 found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

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 a 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, p. 2.

Clients are allowed 10 calendar days (or other time limited 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 had not made a reasonable effort to provide it. BAM 130, p. 4.

In this case, the Claimant was given notice to provide verification on October 21, 2009 and October 30, 2009. These forms make it clear that the Client has a responsibility to provide specific proofs to the Department, otherwise benefits may be denied. While a portion of the requested proofs were received by the Department, the Client's failure to submit all the necessary proof resulted in the denial of benefits on November 12, 2009.

Although the Claimant may have been unfamiliar with the benefits application procedure, there is no evidence or testimony showing that he requested assistance from the Department with verification. Therefore, the Claimant has not made a reasonable effort to provide the requested verification. The Department established that it acted in accordance with policy in terminating the Claimant's FAP, FIP, LIF, and CDC benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in Terminating Claimant's FAP, FIP, LIF, and CDC benefits.

Accordingly, the Department's FAP, FIP, LIF, and CDC determinations are AFFIRMED,
it is so ORDERED.

/s/

Kevin Scully
Administrative Law Judge
for Marianne Udow, Director
Department of Human Services

Date Signed: March 17, 2010

Date Mailed: March 17, 2010

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 receipt date of the rehearing decision.

KS/vmc

cc:

