

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: 2010-29020
Issue No: 2001; 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 12, 2010
Washtenaw 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 May 12, 2010. The claimant personally appeared and provided testimony, along with his mother, [REDACTED].

ISSUE

Did the department properly close the claimant's Adult Medical Program (AMP) benefits and deny the claimant's Food Assistance Program (FAP) application for failure to return the required verifications in March, 2010?

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 receiving AMP benefits when he applied for FAP benefits on February 8, 2010.

2. A telephone interview was conducted with the claimant on February 10, 2010. During this interview the claimant stated that he purchased and prepared food with his fiancée. The claimant was informed he would need to verify all income received by himself and his fiancée.

3. On February 10, 2010, the department mailed the claimant a Verification Checklist (DHS-3503) that requested proof of the claimant's self-employment income and proof of his fiancée's income earnings. The verifications were due back to the department by February 22, 2010. (Department Exhibit 1 – 2)

4. The department did not receive any income verifications and on March 2, 2010 the department sent the claimant a Notice of Case Action (DHS-1605) that informed the claimant his FAP application was denied and his AMP was closing for failure to verify the necessary information. (Department Exhibit 3 – 4)

5. The claimant submitted a hearing request on March 26, 2010.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human

Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) 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. BAM, 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. BAM, Item 105, p. 5.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See BAM 130 and BEM 702. BAM, 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. BAM, Item 105, p. 9. Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. BAM, 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. BAM, Item 130, p. 2.

The client must obtain required verification, but you must assist if they need and request help. BAM, 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. BAM, 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. BAM, Item 130, p. 4.

MA Only

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed. BAM, Item 130, p. 4.

The claimant admits that he received the Verification Checklist (DHS-3503), requiring him to provide proof of income for himself and his fiancée. The claimant also admits that he did not submit any income information.

The claimant indicated in his hearing request that he did not see any date that the information was due to the department. However, the Verification Checklist does indicate in

bold at that the proofs are due by February 22, 2010. Further, the form does indicate that the client must get the proofs to the staff member by the due date above and that if he does not do so, the benefits may be denied, decreased or cancelled. The specialist's telephone number is on the form in case the claimant had questions or problems getting the proofs.

The claimant testified in the hearing that he didn't know what kind of proof to provide for himself and that he had a problem obtaining proof of income for his fiancée because she is self-employed as a hairdresser. The claimant testified that he did call his specialist about the proofs about three or four weeks after receiving the Verification Checklist. The claimant's specialist testified that she received the telephone call after the case had closed and had not received any calls prior to that date. The claimant was given 12 days to provide the verifications, so if he called three or four weeks after he received the Verification Checklist, it would have been after the case had already closed, as the department staff member testified.

Department policy indicates that claimants must cooperate with the local office in determining initial and ongoing eligibility, which includes completion of the necessary forms. BAM 105. The department is directed to tell the client what verification is required, how to obtain it, and the due date, by using the Verification Checklist (DHS-3503). BAM 130. The department is to send a negative action notice when the time period has elapsed and the claimant has not provided the verifications. BAM 130.

The claimant did not call the department prior to the case closure to request additional time. Thus, when the time period expired and the claimant had not submitted the required proofs, the department had no choice but to deny the claimant's FAP case and close his AMP case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly closed the claimant's AMP benefits and denied his FAP application because he did not return the required proofs to allow the department to determine eligibility.

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: June 2, 2010

Date Mailed: June 3, 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 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.

SLK [REDACTED]

cc: [REDACTED]