

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: 2010-2969
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 17, 2009
Kent 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 17, 2009. The claimant personally appeared and provided testimony, by and through the use of her interpreter, [REDACTED]. The claimant's friend [REDACTED] also provided testimony.

ISSUE

Did the department properly terminate the claimant's Food Assistance Program (FAP) benefits in September, 2009 for failure to return the required redetermination materials?

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's FAP case came due for a redetermination during the month of June, 2009. (Department Exhibit 4)

2. The claimant was mailed a Redetermination form (DHS-1010) on May 20, 2009, scheduling an in-person interview for June 2, 2009 and requiring the claimant to complete the form and return it by June 2, 2009. The Redetermination form was mailed to [REDACTED], [REDACTED], [REDACTED], in [REDACTED]. (Department Exhibit 4 - 7).

3. The claimant received the Redetermination form and completed it and turned it in at her personal interview on June 2, 2009. The claimant made no corrections to the address listed and did not indicate to the department that she had moved. (Department Exhibit 4 – 7).

4. The claimant submitted two paycheck stubs with her Redetermination form. (Department Exhibit 1 – 2).

5. The claimant is paid weekly and the department needed four weeks of paychecks to be able to budget the claimant's case. Therefore, the department mailed the claimant a Verification Checklist (DHS-3503) on June 2, 2009, that requested paycheck stubs from May 8 and May 15, 2009. This was also mailed to the [REDACTED], [REDACTED], [REDACTED]. (Department Exhibit 3).

6. No further paycheck stubs were provided to the department, so the department closed the claimant's FAP benefits.

7. The claimant submitted a hearing request on October 7, 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.

The claimant testified that she did receive the Redetermination materials for her annual review of her FAP benefits. The claimant clearly did receive the materials when they were mailed on May 20, 2009, as she attended the personal interview and turned in the completed form. The claimant testified that she turned in two paycheck stubs with the Redetermination form.

However, as the department points out, the Redetermination form requires 30 days of proof of income. The claimant is paid weekly, so two paycheck stubs does not cover a 30 day period. Thus, as directed by policy, the department mailed the claimant a Verification Checklist (DHS-3503). PAM 130. This explained to the client that the department needed further information and that she had to turn in the information by June 12, 2009, which gave the client

ten calendar days in accordance with policy. PAM 130. The department did not receive any further paycheck stubs and the claimant's FAP case was closed.

The claimant indicates two issues precluded her from complying with the Verification Checklist. The claimant testified that she moved to a different address prior to the Redetermination month. However, the department received no change of address from the claimant. In fact, as noted in the statements of fact, the claimant turned in her Redetermination form on June 2, 2009 and did not indicate there was any new address. Further, the claimant had clearly received the Redetermination form as she completed it and attended the appointment scheduled. The department did not receive any information about a new address until the claimant re-applied for benefits on September 28, 2009.

The claimant's brought up a second issue that she indicated made it impossible for her to comply with the Verification Checklist. The claimant testified that she lost her job on July 17, 2009, so she didn't have any more paycheck stubs after that date. However, the paychecks stubs were requested for May 8 and May 15, 2009, well before the claimant lost her job. As she was still working in May, 2009, she could have provided the paycheck stubs to the department.

Thus, this Administrative Law Judge is unable to find that the department made any errors in their actions.

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 for her redetermination.

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: November 25, 2009

Date Mailed: December 11, 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.

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 

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