

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: 2010-30325
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 18, 2010
Gratiot County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on April 12, 2010. After due notice, a telephone hearing was held on Tuesday, May 18, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) eligibility?

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 submitted an application for benefits to the Department on March 16, 2010. Department Exhibit 15.
- (2) The Department sent the Claimant a Verification Checklist on March 23, 2010, with a due date of April 2, 2010. Department Exhibit 16.

(3) The Department denied the Claimant's application for benefits on April 6, 2010.

(4) The Department received the Claimant's request for a hearing on April 12, 2010, protesting the denial of her application for benefits.

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 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 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 130, 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.

The Claimant applied for benefits on March 16, 2010. While determining the Claimant's eligibility for benefits, the Department sent the Claimant a Verification Checklist. This Verification Checklist requested that the Claimant verify her income, and had a due date of

April 2, 2010. The Claimant did not submit documentation verifying her income before April 2, 2010, and the Department denied her application for benefits.

The Claimant testified that her employer distributes its payroll by direct deposit to its employee's bank accounts, but she was unable to obtain the payroll statements before the Verification Checklist due date because of problems with her employer's payroll computer systems. The Claimant testified that she notified her caseworker that she was having difficulties obtaining verification of her income.

The Claimant offered copies of her bank account statements of evidence of her employment income. These statements are not sufficient for FAP budgeting purposes because they do not verify the Claimant's gross income.

The Department's manager testified that it was not possible to obtain information about the Claimant's income by electronic means, and that it was the Claimant's duty to provide such information. The Department did not offer a reason for not extending the due date for the Claimant to verify her income level.

This Administrative Law Judge cannot uphold the denial of the Claimant's application for benefits. The Department failed to provide the necessary evidence to establish that the Claimant failed to cooperate in providing verification to determine her eligibility for benefits, and the Department could have done more to assist the Claimant with retrieving her income verification documents.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Claimant reasonably cooperated with the Department in her attempts to provide verification needed to determine her income.

The Department's denial of the Claimant's application for benefits is REVERSED. It is further ORDERED that the Department shall continue processing the Claimant's application for benefits dated March 16, 2010.

/s/ _____
Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 28, 2010

Date Mailed: May 28, 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.

KS/vc

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