

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: 2010-38257
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 8, 2010
Kent 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 May 5, 2010. After due notice, a telephone hearing was held on Thursday, July 8, 2010.

ISSUE

Whether the Claimant failed to reasonably cooperate in the Department's determination of the Claimant's eligibility for the Food Assistance Program (FAP), the Family Independence Program (FIP), the Child Development and Care (CDC) program, and Medical Assistance (MA)?

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, CDC, and MA benefits on March 16, 2010.
- (2) On March 16, 2010, the Department sent the Claimant a Redetermination form with a due date of April 1, 2010.
- (3) The Department sent the Claimant a Verification of Employment form on March 22, 2010.
- (4) On March 24, 2010, the Department sent the Claimant a Verification Checklist form with a due date of April 5, 2010.
- (5) On April 15, 2010, the Department notified the Claimant that her FIP, CDC, MA, and FAP benefits would be closed effective May 1, 2010.
- (6) The Department received the Claimant's request for a hearing on May 5, 2010, protesting the denial of her application for assistance.

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 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).

The parent of a child needing care must have a valid need reason during the time childcare is requested, such as family preservation, high school completion, an approved activity, or employment. BEM 703.

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.

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 submitted an application for FIP, FAP, CDC, and MA assistance on March 16, 2010. The Claimant needed CDC benefits to place her son in day care so that she would be available to work at her new job. The Department requested that the Claimant verify her income on March 16, 2010, March 22, 2010, and March 24, 2010. After the Claimant failed to verify her income by April 15, 2010, the Department denied her application for benefits.

The Claimant testified that she was unable to provide the Department with copies of her paycheck stubs because her employer was wrongfully withholding payment for the hours she claimed to have worked. The Claimant argued that her employer refused to complete the Verification of Employment form sent on March 22, 2010. The Department shall not deny or

terminate assistance because an employer or other source refuses to verify income. BEM 501.

The Department has a duty to assist clients with obtaining verification documents. If verification cannot be obtained despite a reasonable effort, the Department shall use the best information available.

The Claimant has established that she made a reasonable effort to obtain verification of her income and notified the Department that she needed assistance when she could not obtain verification on her own. The Department has not established that it was unable to determine eligibility using the best information available, or that it provided the Claimant with alternative means of verifying her income.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department did not establish that the Claimant failed to make reasonable effort to verify her income and need for CDC benefits. The Department did not establish that it used the best information available in determining the Claimant's FAP, FIP, CDC, and MA eligibility.

Accordingly, the Department's FAP, FIP, CDC, and MA eligibility determinations are REVERSED. It is further ORDERED that the Department shall:

1. Initiate a determination of the Claimant's eligibility for FAP, FIP, CDC, and MA benefits as of March 16, 2010.
2. Allow the Claimant the opportunity to clarify her income.
3. Provide the Claimant with assistance with the verification of her income.
4. Provide the Claimant with written notification of the Department's revised eligibility determination.

5. Issue the Claimant any retroactive benefits she may be eligible to receive, if any.

/s/

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

Date Signed: July 27, 2010

Date Mailed: July 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

cc:

