

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: 2010-12955
Issue No: 2001; 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 17, 2010
Genesee 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 February 17, 2010. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly deny the claimant's Adult Medical Program (AMP) and Food Assistance Program (FAP) application for failure to return the required verifications in November, 2009?

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 AMP and FAP on October 27, 2009.

2. The claimant was interviewed by a case worker that same day. The claimant submitted one paycheck stub for his work, covering one week of employment, but indicated that it didn't accurately reflect his true pay because it included mileage. (Department Exhibit 1).

3. The claimant was given a Verification Checklist (DHS-3503) at his interview, requiring him to submit 30 days of paycheck stubs or a Verification of Employment form (DHS-38) by November 6, 2009. (Department Exhibit 2).

4. The claimant did not submit any new paycheck information and the claimant was mailed a Notice of Case Action (DHS-1605) on November 19, 2009, that informed him his application for AMP and FAP was being denied. (Department Exhibit 3 – 4).

5. The claimant submitted a hearing request on November 30, 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).

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 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.

MA Only

Send a negative action notice when:

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

In this case, the claimant does not dispute that he received the Verification Checklist, or that he did not return the employment verification by the due date. The claimant indicates that it took him a while to get paycheck stubs and get a letter from his boss clarifying his mileage reimbursement and that he couldn't get it to the department until November 29, 2009.

However, the verification was due to the department by November 6, 2009. Department policy indicates that a negative action will be sent when the time period has elapsed and the claimant has not made a reasonable effort to provide the verification. PAM 130. The department case worker testified that she gave the claimant extra time to get in the verifications,

but had to make a determination on the case. Thus, the application was denied on November 19, 2009. The department did act in accordance with policy.

The claimant would not have been eligible for AMP benefits even if the verifications were returned. At that time of the application, there was an enrollment freeze on AMP enrollments. Thus, the claimant's application for AMP would have been denied on that basis.

It is noted that the claimant did have 30 days of paychecks stubs with him at the hearing. He was advised to reapply for benefits and submit the 30 days of paycheck stubs with his application to allow the department to determine eligibility for the AMP and FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied the claimant's AMP and FAP application because the claimant had not returned the required verifications.

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: February 25, 2010

Date Mailed: March 2, 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.

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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.

SLK [REDACTED]

cc:

[REDACTED]