

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: 2010-1414
Issue No: 2006; 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 29, 2009
St. Joseph 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 October 29, 2009. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly deny the claimant's Medical Assistance (MA) and Food Assistance Program (FAP) application for failure to return the required verifications in September, 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 applied for assistance on August 27, 2009.

2. The department mailed the claimant a Shelter Verification (DHS-3688) on September 2, 2009, that was to be completed and returned to the department by September 14, 2009. (Department Exhibit 23 – 24).

3. Also on September 2, 2009, the claimant was mailed a Verification Checklist (DHS-3503) that required the claimant to submit ID's and birth certificates for [REDACTED] and all check stubs from June 1 through August 31, 2009. These verifications were due back to the department by September 14, 2009. (Department Exhibit 21 – 22).

4. On September 14, 2009, the department received some paychecks stubs from the claimant, and a Retroactive Medicaid Application (DHS-3243). (Department Exhibit 12 – 20).

5. At some point, although it is not date-stamped, the department received ID's for [REDACTED] driver's license was expired. (Department Exhibit 6).

6. On September 23, 2009, the claimant was mailed a Notice of Case Action (DHS-1605) that informed the claimant that the MA (for the adults) and the FAP had been denied for failure to return all the necessary verifications. (Department Exhibit 1 – 5).

7. The claimant submitted a hearing request on October 2, 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 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 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.

The claimant testified that he did receive the verification checklist from the department. Department policy requires a claimant to provide all necessary verifications within ten days. PAM 130.

In this case, the claimant returned a portion of the required verifications, but not enough for the department to determine eligibility. While the claimant did return driver's licenses for himself and Stacy, his driver's license was expired. The Verification Checklist does state the claimant has to turn in a VALID driver's license, which the claimant never did.

Further, the Verification Checklist specifically requested the claimant have the Shelter Verification form completed and returned and required all check stubs for the claimant from June 1 through August 31, 2009. The claimant did not turn in any Shelter Verification form and only turned in paycheck stubs from June 12, 2009; June 19, 2009; July 17, 2009; July 31, 2009; August 28, 2009; and September 4, 2009. The claimant was missing paycheck stubs for the weeks of June 5, 2009; June 26, 2009; July 3, 2009; July 10, 2009; July 24, 2009; August 7, 2009; August 14, 2009 and August 21, 2009.

The claimant testified that he was on vacation in July sometime and that was probably the reason he didn't have a paycheck stub from July. However, the claimant needed to provide that information to the department if there was a reason for a missing paycheck stub. Further, this certainly doesn't seem to cover eight missing paycheck stubs. There was no evidence of testimony provided that indicated the claimant contacted the department and asked for extra time or help to obtain the verifications.

The claimant also testified that he doesn't pay rent, just electricity, so he didn't think the department needed the Shelter Verification form completed and returned. However, the department still needs this information to be able to budget the claimant's FAP benefits.

Therefore, the department denied the claimant's application for failure to return the required verifications after the ten days expired without the claimant providing the necessary information. PAM 130.

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 FAP and MA application because the claimant did not return the required verifications for 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: February 9, 2010

Date Mailed: February 23, 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.

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 

2010-1414/SLK

cc:

