

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: 2010-15288
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 17, 2010
Ingham 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 Food Assistance Program (FAP) for failure to return the required verification materials in December, 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 FAP benefits on November 9, 2009.

(Department Exhibit 1 – 2)

2. On November 19, 2009, the claimant was mailed a Verification Checklist (DHS-3503), requiring the claimant to provide a copy of her driver's license, a copy of her current class

schedule, verification of her home rent and non-heat electric expense and verification of the amount of money she receives from her mother monthly. These items were due back by November 30, 2009. (Department Exhibit 3 – 4).

3. The claimant did return a Shelter Verification form on December 9, 2009, but no other verifications were turned in by the claimant until January 5, 2010 when she submitted her hearing request (after the case closure).

4. The claimant was mailed a Notice of Case Action (DHS-1605) on December 19, 2009, informing her that her application was being denied for failure to submit the necessary verifications. (Department Exhibit 5 – 8).

5. The claimant submitted a hearing request on January 5, 2010.

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.

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 applied for FAP benefits on November 9, 2009. The claimant was mailed a Verification Checklist, requiring her to submit documentation to the department to establish her eligibility for the FAP benefits. Department policy indicates that clients must cooperate with the local office to determine initial or ongoing eligibility. PAM 105. This would include returning required verifications. PAM 105.

The claimant does not dispute that she received the Verification Checklist. Nor does the claimant dispute that she did not return all of the required verifications. The claimant testified that when she received the Verification Checklist, she thought she just had to return one of the verifications. The claimant further testified that she did submit verification of her rent expense. While the department indicated that the claimant did submit a Shelter Verification form, the form was not received by the department until December 9, 2009, after the November 30, 2009 deadline.

However, even if the department had accepted that documentation, the claimant still failed to provide all of the rest of the verifications required by the department to determine eligibility. The Verification Checklist states “return at least **one of the requested proofs** for each verification and person listed below.” There is clearly three different verifications requested on this form—verification of non-heat electric, rent expense and verification of the donation of contribution to the claimant from a person outside the group (the claimant’s mother gives her money each month). The form also required the claimant to submit her driver’s license and school schedule. This information was not returned by the due date and the claimant’s application was denied.

Department policy indicates that the department is to send a negative action notice when the time period given has elapsed and the client has not made a reasonable effort to provide it. PAM 130. In this case, there is no evidence that the claimant could not provide the documentation or requested any extension of time to provide the information. Therefore, when the time period elapsed and the verifications were not provided, the department properly denied the claimant’s application.

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 application because the claimant had not returned the required verifications needed 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: March 1, 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 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.

GFH 

cc:

