

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: 2010-15376
Issue No: 2006; 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 24, 2010
Washtenaw 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 24, 2010. The claimant personally appeared and provided testimony, along with his mother, [REDACTED]. The record was left open until March 10, 2010 to allow the department to submit additional information.

ISSUE

Did the department properly deny the claimant's Medical Assistance (MA) and close the claimant's Food Assistance Program (FAP) benefits for failure to return the required verifications?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. On September 16, 2009, the claimant applied for MA and FAP benefits. Expedited FAP benefits were opened for the claimant. (Department Exhibit 1).
2. On September 28, 2009, the claimant was mailed a Verification Checklist (DHS-3503) requesting a current bank statement, verification of heat expense and proof of income received from [REDACTED]. This was due to the department by October 8, 2009. (Department Exhibit 2 – 3).
3. On October 5, 2009, the department received a letter from the sister of [REDACTED], indicating that she helps [REDACTED] by allowing her to stay in her house and loaning her money sometimes. (Department Exhibit 6).
4. On October 12, 2009, the department worker called the claimant and informed him that the letter was too vague and needed to have the address and phone number, as well as some record of how much money [REDACTED] sister had given them. The department worker gave the claimant until October 16, 2009 to return the information. (Department Exhibit 6).
5. On October 26, 2009, the department mailed the claimant a Notice of Case Action (DHS-1605), which informed the claimant that the MA program was denied and the FAP benefits were closed due to a failure to provide required verifications. (Department Exhibit 7-8).
6. The claimant submitted a hearing request on December 29, 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 Bridges

Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) 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. BAM, 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. BAM, Item 105, p. 5.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See BAM 130 and BEM 702. BAM, 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. BAM, Item 105, p. 9.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. BAM, 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. BAM, Item 130, p. 2.

The client must obtain required verification, but you must assist if they need and request help. BAM, 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. BAM, 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. BAM, 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. BAM, Item 130, p. 4.

The claimant admits that he did receive the Verification Checklist that required him to obtain a letter from his mother's sister, indicating her address and phone number and a record of how much money she provided to the household. The claimant also admits that he received a telephone call from the department worker on October 12, 2009, informing him that the letter that had been submitted was too vague and that he needed to provide one that included his aunt's contact information and how much money she was giving to his mother.

Department policy requires the claimant to comply with the department in providing the verification materials necessary to allow the department to determine initial or ongoing eligibility. BAM 105. The department is to allow the client ten calendar days to provide the verification requested. If the client is unable to provide the verification despite a reasonable effort, the department should extend the time limit at least once. BAM 130.

In this case, the claimant did provide a letter to the department on October 5, 2009, however, it did not contain enough information to allow the department to be able to budget the claimant's case. Thus, the department called the claimant and indicated exactly what information they needed and gave the claimant additional time to provide the information. The claimant agreed to have the information in to the department by October 16, 2009. The department indicates that no further information was received.

The claimant testified that he turned in a more detailed letter to the front desk of the local DHS office. The claimant testified that it would have been between October 12 and 16, 2009. The claimant also testified that he believed he signed the log sheet. The department was given an extension of time to check the sign-in logs to see if the claimant had signed in during this time period. The department provided information that indicated there was no entries showing the claimant dropped anything off during this time period. The claimant did submit a more detailed letter to the department on March 8, 2010, but this was well after the case had closed.

Thus, there is no credible evidence that the claimant submitted the required documentation to allow the department to budget the claimant's benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly terminated the claimant's FAP benefits and denied the claimant's MA benefits because the claimant did not return 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: April 20, 2010

Date Mailed: April 22, 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 

cc:

