

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.: 2010-16284
Issue No.: 3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
June 14, 2010
Macomb County DHS (36)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 conducted from Detroit, Michigan on June 14, 2010. Claimant appeared and testified; [REDACTED] also appeared, testified and interpreted on behalf of Claimant. On behalf of Department of Human Services (DHS), [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's Assistance Application for Food Assistance Program (FAP) and Medical Assistance (MA) benefits due to Claimant's failure to verify assets, citizenship and identity.

FINDINGS OF FACT

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

1. Claimant applied for FAP and MA benefits on 8/28/09.
2. On 11/14/09, DHS requested verification of Claimant's assets, identity and citizenship.

3. Claimant failed to verify all of the requested information by the 11/24/09 deadline.
4. On 11/24/09, DHS denied Claimant's request for FAP and MA benefits due to Claimant's failure to verify assets, citizenship and identity.
5. Claimant submitted a hearing request on 12/8/09 regarding denial of her request for FAP and MA benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (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 (formerly known as the Family Independence Agency) 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 Reference Tables Manual (RFT).

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 (formerly known as the Family Independence Agency) 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 Reference Tables Manual (RFT).

The processing of applications begins with the filing of an Assistance Application (DHS-1171) or other acceptable form. BAM 110 at 1. If verifications are needed to process the application, DHS must mail a Verification Checklist to request the verifications. BAM 130 at 3.

DHS must give clients at least ten days to submit verifications. *Id* at 5. DHS may deny benefits to clients that fail to cooperate in returning required verifications. BAM 115 at 15.

At first glance, DHS appears to have properly denied Claimant's request for FAP and MA benefits. Identity is a required verification for FAP benefits. BEM 221 at 1. Assets are a required verification for MA benefits. BEM 400 at 1. Thus, DHS requested appropriate verifications and Claimant was denied benefits when no verifications were returned. However, there were flaws within this process.

The DHS standard of promptness for processing FAP application is 30 days. BAM 115 at 12. DHS has 45 days to process a request for MA benefits. *Id* at 11. The standard of promptness accounts for the ten days given to clients to return needed verifications. Thus, verifications should be requested from FAP applicants within 20 days after the client's application date and within 35 days from the application date for MA applicants. In the present case, DHS took approximately 78 days to request verifications from Claimant.

The delay in requesting verifications affects clients in several ways. First, if a client is unsuccessful in providing verifications, the delay prevents the client from reapplying sooner. Had DHS met the standard of promptness, Claimant could have theoretically reapplied for benefits approximately two months earlier. Secondly, clients that have to wait 78 days for a verification request are in some ways disadvantaged in returning verifications. The delay creates more time for a client to forget information and to lose documents. Thirdly, clients have to wait longer than they should to receive benefits for which they are eligible. In Claimant's case, there was no evidence supporting that Claimant was harmed by the delay in the mailing of the verification request. Despite the delay by DHS in processing Claimant's FAP and MA requests, it is not found that the delay, by itself, excuses Claimant for failing to return verifications.

Another concern is that DHS denied Claimant's application for failing to return verifications on the date that the verifications were due. DHS gave Claimant until 11/24/09 to return the verifications yet denied Claimant's application on the same date. Verifications are considered timely if submitted on the date they are due. BAM 130 at 5. DHS essentially denied Claimant's application one day sooner than they should have. However, the one day would not have assisted Claimant in meeting the deadline as Claimant's testimony indicated that she did not submit the verifications on 11/24/09, 11/25/09 or any date thereafter. It is found that the DHS denial on 11/24/09 did not affect Claimant's ability to submit verifications.

Claimant testified that she did not submit the verifications because she did not understand the verification request and her interpreter was not available. Claimant did not testify that she made any efforts to contact DHS, or anyone else, for help in understanding the request. Claimant's excuse is not ultimately persuasive. Claimant's inability to read the verifications was not the fault of DHS. Further, DHS had no knowledge of Claimant's inability to speak or read English as Claimant never met with a DHS specialist. Though DHS did not perfectly deny Claimant's 8/28/09 request for FAP and MA benefits, the undersigned upholds the DHS denial.

DECISION AND ORDER

The actions taken by DHS are AFFIRMED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS appropriately denied Claimant's request for FAP and MA benefits.



Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 6/24/2010

Date Mailed: 6/24/2010

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.

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