

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: 2010-1796

Issue No: 2001; 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

November 10, 2009

Berrien County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 November 10, 2009. Claimant was present and testified. Darlene Leonard, FIM and Amy Timm, ES, appeared on behalf of the department.

ISSUE

Did the Department of Human Services (department) properly close claimant's Adult Medical Program (AMP) and Food Assistance Program (FAP) benefits for failure to provide 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) Claimant was an ongoing recipient of AMP and FAP benefits.

(2) On May 20, 2009 the department issued a Verification Checklist for claimant to provide records of self employment income and expenses as well as proof of citizenship by June 1, 2009. (Department Exhibit 1, pg. 1)

(3) The department did not receive any requested verifications.

(4) On September 28, 2009 the department issued a Notice of Case Action that the AMP benefits would close October 16, 2009 and the FAP benefits would close November 1, 2009. (Department Exhibit 1, pgs. 2-5)

(5) Claimant filed a hearing request on October 2, 2009.

### CONCLUSIONS OF LAW

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 found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manuals.

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 Manuals.

Under BAM 105, clients must cooperate with the local office in determining initial and ongoing eligibility. The department is to request verification when required by policy, when required by local office option, or when information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. BAM 130. The department is to allow at least ten

days to provide the verification requested. BAM 105. A negative action notice is to be sent 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 130. The department must also help clients who need and request assistance in obtaining verifications, and may extend the time limit, if necessary. BAM 130.

In the present case, the department issued a Verification Checklist on May 20, 2009 for claimant to provide records of self employment income and expenses as well as proof of citizenship by June 1, 2009. (Department Exhibit 1, pg. 1) The department testified they did not receive the requested verifications. Therefore, on September 28, 2009 the department issued a Notice of Case Action indicating the AMP benefits would close October 16, 2009 and the FAP benefits would close November 1, 2009. (Department Exhibit 1, pgs. 2-5).

The department also testified that claimant applied for another benefits program, State Disability Assistance (SDA), on September 24, 2009. The department testified that while there was initially a processing error, the application was re-registered. The department testified that they requested some of the same verifications that were needed for the AMP/FAP program. The department testified that some of the needed verifications were received when requested for the SDA application.

Claimant testified that she probably did not turn in all of the requested verifications in response to the May 20, 2009 Verification Checklist. Claimant testified that she had difficulty with the requested self employment forms and filled them out as best she could. However, claimant testified she did not have copies of her pay stubs to attach, as requested. Claimant testified she did not contact the department regarding her difficulties with completing the forms or obtaining the requested verifications.

It was not clear from claimant's testimony whether she submitted any partially completed self employment documentation around June 1, 2009 for the AMP/FAP verification checklist or if she only submitted this information in October 2009 for the SDA application. Claimant first testified that she sent in the papers she could fill out before June 1, 2009. However, claimant later testified that she had been in the process of moving so her mail had been on hold. If this was the case, claimant would not have received the Verification Checklist timely to return any paperwork by the June 1, 2009 due date. Claimant's testimony more clearly indicated she did submit partially completed self employment verifications in October 2009. The department testified they only received the partial self employment documentation in October 2009.

Additionally, when asked how she submitted the paperwork, claimant testified that she took it to the department office and placed it in a drop box in the lobby where there was a log book she signed. However, the department testified their office only has a log for new applications and not for paperwork submitted in the drop box.

Based upon the foregoing facts and relevant law, it is found that claimant has not presented sufficient evidence that she made reasonable efforts to provide all requested verifications to the department or requested an extension and/or assistance in gathering the verifications by the June 1, 2009 checklist due date. Claimant's testimony regarding when and how she submitted documentation cannot be found fully credible based on the conflicts within claimant's own testimony and with the department's testimony. Further, claimant admitted she probably did not turn in all of the documentation requested on the Verification Checklist. Therefore the department properly closed 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 claimant has not presented sufficient evidence that she made reasonable

efforts to provide all requested verifications to the department or requested an extension and/or assistance in gathering the verifications by the June 1, 2009 checklist due date.

Accordingly, the department's determination is AFFIRMED.

*Colleen Lack*

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Colleen Lack  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: November 19, 2009

Date Mailed: November 20, 2009

**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 mailing date of the rehearing decision.

CL/cv

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