

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: 2010-197
Issue No: 1005; 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 28, 2009
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 hearing was held on October 28, 2009. Claimant appeared and testified.

ISSUES

- (1) Did the Department of Human Services properly deny Claimant's Family Independence Program (FIP) application for failure to provide required verifications?
- (2) Did the Department of Human Services properly deny Claimant's Food Assistance Program (FAP) application for failure to provide 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 3, 2009, Claimant submitted an application for Family Independence Program (FIP) and Food Assistance Program (FAP) benefits. Claimant's

benefit group consisted of herself, her 18 year old employed son, and two younger children in the home.

(2) On September 3, 2009, Claimant was sent a Verification Checklist (DHS Form 3503). The requested verifications were due back to the Department by September 14, 2009.

(3) Prior to the due date of the verifications, Claimant spoke with the DHS caseworker by telephone about the required verifications.

(4) On September 15, 2009, none of the required verifications had been received and Claimant's application was denied. Claimant was sent a Notice of Case Action (DHS-1605) informing her of the Department's determination.

(5) On September 21, 2009, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (DHS or department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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).

In this case, the Verification Checklist (DHS Form 3503) clearly identifies the verifications needed and a list of acceptable forms of verification for each required verification. The Department caseworker, Ms. Richardson, testified that when she spoke to Claimant the required verifications and acceptable forms of verification for each required verification was explained. Claimant testified that prior to the denial of her application, her son was not cooperating and would not provide verification of his income. Claimant also testified that she thought she had to get all of the listed forms of verification so she got upset, frustrated , and did not provide any verifications to the Department by the due date.

Department of Human Services policy requires all of the verifications requested before benefits are issued. Denial of the application was in accordance with Department of Human Services' policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) application for failure to provide required verifications.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 2, 2009

Date Mailed: November 6, 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 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 [REDACTED]

cc: [REDACTED]