

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: 2010-24785

Issue No: 3008

Case No:

Load No:

Hearing Date:

May 12, 2010

Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 May 12, 2010. The Claimant appeared and testified.

ISSUE

Did the Department properly deny Claimant's application for 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 a material fact:

1. On November 25, 2009, the Claimant applied for FAP benefits.
2. On February 1, 2010, the Department sent a verification request to the Claimant which simply stated "missing checks". This verification was due back by February 16, 2010.

3. On February 22, 2010, the Claimant's application was denied for failure to return verifications.

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) 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 the present case, Claimant disputes the denial of her FAP application for failure to return verifications. The Claimant testified she had provided check stubs to the Department prior to February 22, 2010. The Department sent out a verification checklist generated by BRIDGES which failed to comply with policy. The verification simply indicated the Claimant needs to submit "missing check stubs".

Relevant policy can be found at PAM Item 130, p.2-3:

Obtaining Verification

All Programs

Tell the client what verification is required, how to obtain it, and the due date. Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification.

Use the DHS-3503C, Verification Checklist for Citizenship/Identity to request documentation of citizenship or identity for Medicaid determinations.

The client must obtain required verification, but you must assist if they need and request help.

If neither the client nor you can obtain verification despite a reasonable effort, use the best available information. If **no** evidence is available, use your best judgment.

Verification Sources

All Programs

“**Verification Sources**” of each PEM item lists acceptable verifications for specific eligibility factors. Other, less common sources may be used **if** accurate and reliable.

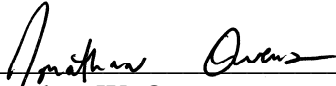
Use a particular source **if** it is the most reliable (e.g., public records). Otherwise, use the one easiest to obtain.

The Department, as indicated in the above policy, is required to state what verification is required, how to obtain it, and the due date. Here, the Department failed to state what was needed. Therefore, the request for verification failed to meet the requirements of policy. Additionally, this Administrative Law Judge finds the Claimant’s testimony credible that she did, in fact, provide check stubs.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services was not acting in compliance with Department policy.

Accordingly, the Department’s decision is REVERSED. The Department is ORDERED to process the Claimant’s application dated November 25, 2009 for FAP benefits and supplement the Claimant for any and all loss in FAP benefits back to application date if otherwise found eligible.



Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 05/19/10

Date Mailed: 05/20/10

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.

JWO/dj

cc:

