

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: 2010-25516
Issue No: 2001; 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 28, 2010
Saginaw 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 April 28, 2010. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly terminate the claimant's Adult Medical Program (AMP) and Food Assistance Program (FAP) benefits for failure to return the required verifications in February, 2010?

FINDINGS OF FACT

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

1. The claimant was a FAP and AMP recipient when he reported to the department that he had began employment with [REDACTED]

2. On December 4, 2009, the claimant was mailed a Verification Checklist (DHS-3503) requiring him to submit proof of his wages, salaries, tips and compensation. The claimant was required to return an employer statement or a DHS-38, Verification of Employment form. The information was due back to the department by December 14, 2009. (Department Exhibit 1– 2)

3. On December 4, 2009, [REDACTED] was mailed a Verification of Employment form (DHS-38) to be completed and returned by December 14, 2009. (Department Exhibit 3 –4)

4. On December 8, 2009, the claimant submitted a piece of paper with some times and dates for training sessions. (Department Exhibit 6)

5. The department mailed the claimant a Notice of Case Action (DHS-1605) on February 12, 2010, informing him that his AMP and FAP case would be closing for failure to provide verifications.

6. The claimant submitted a hearing request on March 9, 2010.

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 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 contained 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.

Department policy requires the claimant to cooperate with the department in determining initial and ongoing eligibility. BAM 105. The department is to inform the claimant what verification is required, how to obtain it, and the due date by using the Verification Checklist (DHS-3503) form. BAM 130. The claimant is to be allowed ten days to provide the material and an extension can be granted if the claimant requests additional time. BAM 130. The

department is to send a negative action notice when the time period lapses and the claimant has not provided the verification necessary. BAM 130.

In this case, the claimant admits that he received the Verification Checklist. The Verification Checklist indicates that the claimant needs to turn in verification of wages, salaries, tips and commissions. The document directs the claimant to turn in “one of the following: last 30 days of paycheck stubs, and employer statement, or a Verification of Employment (DHS-38).

The only information the claimant returned was a sheet with no letterhead, which indicated some dates and times of training sessions. The sheet did not list any expected hours of work or even rate of pay. Thus, there was no information to allow the department to budget the claimant’s case.

The department also mailed a Verification of Employment (DHS-38) to the claimant’s employer, [REDACTED]. The employer did not return any information regarding the claimant and his employment with them. Thus, the employer did not provide any information to enable the department to budget the case either.

The claimant indicates that he didn’t get a paycheck until December 18, 2009. The claimant provided a copy of the paycheck stub to this Administrative Law Judge. The paycheck stub is for the period ending December 11, 2009 and was issued on December 18, 2009.

The claimant contends that because he made an effort to provide the department the only information he had during the Verification Checklist time limits, he should not have his case closed. The department staff member pointed out that she didn’t even close his case until February, 2010, which would have given him additional time to provide paycheck stubs or some other form of verification of his wages.

This Administrative Law Judge finds that the claimant did not provide the required information as informed. The Verification Checklist clearly states the requested proof could be a statement from his employer, paycheck stubs or a completed Verification of Employment form. If the claimant did not have check stubs to turn in at that time, he could have asked his employer for a statement indicating how many hours he would work and what his rate of pay would be. This would have given the department the information necessary to properly budget the claimant's case.

Further, even once the claimant did start to receive paycheck stubs on December 18, 2009, he still made no effort to turn those into the department. As the department staff member testified, she left the case open until February to allow the claimant additional time to turn in paycheck stubs and the claimant failed to do so. The verification was not due until December 14, 2009. However, the claimant (and his employer) was given until February 12, 2010 (when the case closed) to provide verification of wages. No appropriate verification was ever received.

The claimant did not call the department and ask for clarification or any extension of time to provide the verification. Thus, when the department did not receive back any information to allow them to verify the claimant's hours and wages, the department sent the claimant a negative action, as policy directs.

It is noted that even if the claimant's AMP case had not closed for failure to provide verifications, he would have been excess income to continue on his AMP case, as he testified he was working 10 – 15 hours each week at \$7 – 8.50 per hour.

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 and AMP benefits because the claimant did not return the required verification.

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: May 6, 2010

Date Mailed: May 11, 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.

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