

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: 2010-2924
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 17, 2009
St. Clair 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 November 17, 2009. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly deny the claimant's Food Assistance Program (FAP) application for failure to return the required verification materials in September, 2009?

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 applied for FAP benefits on August 17, 2009. On his application, he listed that he, his wife and his daughter had earnings from employment.

(Department Exhibit 2 – 3).

2. The claimant was mailed a Verification Checklist (DHS-3503) on September 11, 2009, requiring the claimant to submit verification of his mortgage, utility expense, home insurance and employment income for Rhonda, Thomas and Sandra. These materials were due to the department by September 21, 2009. (Department Exhibit 4 – 5).

3. On September 17, 2009, the department denied the claimant’s application for FAP benefits for failure to return the required verifications. (Department Exhibit 6 – 7).

4. The claimant submitted a hearing request on October 1, 2009.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) 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. PAM, 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. PAM, Item 105, p. 5.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See PAM 130 and PEM 702. PAM, 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. PAM, Item 105, p. 9.
Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. PAM, 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. PAM, Item 130, p. 2.

The client must obtain required verification, but you must assist if they need and request help. PAM, 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. PAM, 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. PAM, Item 130, p. 4.

The claimant testified that he turned in paycheck stubs for himself and his wife and a copy of his land contract in the same envelope that contained his application. The claimant further testified that he dropped the envelope off in the local office's drop box. The claimant indicated that he may not have included any of his daughter's paycheck stubs or utility statements.

The department testified that they received nothing in the envelope, but the application. The department worker testified that she would not have mailed out a Verification Checklist (DHS-3503) if she had received the information she needed with the application. The department caseworker testified that she mailed the Verification Checklist (DHS-3503) on September 11, 2009, requesting the claimant submit proof of shelter expenses (mortgage, utilities, home insurance) and proof of the employment earnings for [REDACTED] and [REDACTED]. These proofs were due by September 21, 2009. This gave the claimant ten calendar days to return the verifications, as directed by policy. PAM 130. The department representatives testified that the claimant did not call to question the verifications or to request any time extension or help in getting the documents. Thus, when the verification period expired, the department denied the claimant's application. PAM 130.

The department further testified that they had checked the local office sign-in log for the time period that the claimant claimed he had dropped off the material, and that there was no

entry showing the claimant had dropped anything off. The claimant explained this by indicating that he didn't like to sign in at the local office because other people could see he was on welfare.

However, even if the claimant had turned in the documents at some time, he admitted in his testimony that he did receive the Verification Checklist (DHS-3503), after turning in the application/documents. When he received this request for verifications, he should have realized that the department needed more information or never received the information originally. The claimant admits in his testimony that he may not have included some of the requested information with the application. Therefore, when he received the Verification Checklist (DHS-3503), he should have turned in at least some of the material. When he noticed that the department was requesting information he believed he had already provided, he could have simply provided it again or called the department to ask them if they still needed the information. The claimant admitted that he did not call the department or follow up on the information once he received the form.

Therefore, this Administrative Law Judge finds it credible that the claimant either did not turn in the requested verifications or did not turn in all of the requested information. As the claimant did not request help in obtaining the verifications or request an extension of time to provide the verifications, the department denied the application as outlined in PAM 130.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied the claimant's FAP benefits because the claimant did not return the required verifications.

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: December 10, 2009

Date Mailed: December 15, 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.

SLK 

cc:

