

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 35496
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 14, 2010
Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 from Detroit, Michigan on June 14, 2010. The Claimant appeared and testified on her own behalf. Sandra Kincaid, Assistant Payment Worker appeared on behalf of the Department.

ISSUE

Was the claimant's FAP application properly denied for a failure to return 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 applied for FAP benefits in Macomb County.
- (2) Claimant was sent a DHS-3503, Verification Checklist, on April 19, 2010 with instructions to return proof of income, one pay check, to the Department.

- (3) When the claimant filed her application, she provided the Department one or two paystubs from her fiancé.
- (4) The form only informed claimant that she could return check stubs or earnings statements but did not account for what was already provided by the Claimant with the application.
- (5) The Claimant was hospitalized for high blood pressure and possible stroke on April 24, 2010 and was released on April 29, 2010 at around 10 or 11am.
- (6) The Claimant called her caseworker on April 29, 2010 to explain that she could not return the information as she had been hospitalized and left a message to that effect, as her caseworker was not available at the time of her call. The Claimant did not hear from her caseworker regarding the verification and that she could not meet the deadline.
- (7) The Claimant's caseworker did not recall receiving the phone voice message.
- (8) The Claimant's case closed on April 30, 2010, and the Claimant did not provide the check stub as she was told her case had closed.
- (9) On May 7, 2010, the Claimant requested a hearing.

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 Bridges Reference Manual (BRM).

An application or redetermination is considered incomplete until it contains enough information to determine eligibility. BAM 115. Eligibility is determined through a claimant's verbal and written statements; however, verification is required to establish the accuracy of a claimant's verbal and written statements. Verification must be obtained when required by policy, or when information regarding an eligibility factor is incomplete, inconsistent, or contradictory. An application that remains incomplete may be denied. BAM 130. If the claimant cannot provide verification despite a reasonable effort, the time limit is to be extended at least one time. BAM 130. Income amounts can be verified through pay check stubs, a DHS-38, Verification of Employment, or through electronic methods. BEM 501.

With regard to the claimant's FAP case, the undersigned notes that the Department did send verification requests to the claimant, and that the claimant did not return the verifications before the deadline. However, the undersigned is unconvinced that the Department allowed the claimant sufficient opportunity to correct her good faith error and should have been granted an extension as she was hospitalized. .

The Department's verification request only informed claimant that past check stubs were sufficient for verifying her earned income. BEM 501 provides several ways to verify earned income, including a DHS-38, Verification of Employment. Policy permits several different types of verification, because policy recognizes that not every client will be able to meet the verification requirements in the exact same way.

In the current case, claimant testified quite credibly that she provided what she had available at the time of her application and would gladly have provided the one pay stub had she not been hospitalized for a five day period. Additionally, she was unaware that she had other

opportunities available to her to supply the verifications. The claimant provided all that she could within the due date, in a reasonable effort to provide verification.

Unfortunately, claimant's caseworker did not receive the phone message and no extension was granted to Claimant. Under these circumstances, an extension of time should have and would have been granted if the parties had been able to reach each other. When the Claimant was able, she immediately called her caseworker. Under these circumstances, the claimant demonstrated that she made a reasonable effort initially when applying for benefits and, but for her illness, would have complied and met the deadline. The Claimant overall testified credibly and did not demonstrate a refusal to cooperate.

BAM 130 states that if the claimant cannot provide verification, despite a reasonable effort, extend the time limit at least one time. Claimant had sent in all that she had—quite clearly a reasonable effort at providing verification, especially in absence or notification of alternative sources. The Department, instead of extending the time limit for verification, denied the application. BAM 130.

When a claimant has made a reasonable attempt at providing verifications, the Department may not simply close the case. BAM 130 states that an extension is to be granted—with a chance to correct the mistake.

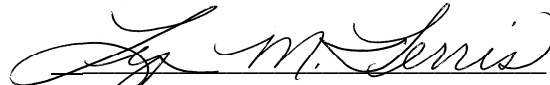
Claimant was never given a chance to remedy her inability to provide the information within the deadline, and as such, the FAP application denial was incorrect and must be set aside.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to deny claimant's FAP application was incorrect.

Accordingly, the Department's decision in the above stated matter is, hereby,
REVERSED.

The Department is ORDERED to reopen claimant's FAP application and re-request income verifications in order to determine eligibility in accordance with policy found in the Bridges Eligibility Manual.



Lynn M. Ferris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 06/21/10

Date Mailed: 06/23/10

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.

LMF/dj

cc:

