

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: 2010-55985
Issue No: 3014
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 26, 2010
Jackson County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

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 October 26, 2010. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly deny the claimant's application for Food Assistance Program (FAP) benefits due to her failure to provide the 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. The claimant applied for FAP benefits on August 12, 2010.
2. On August 23, 2010, the claimant was mailed a Verification Checklist (DHS-3503), requiring proof of her parents mortgage or rent and proof of her mother's income.

(Department Exhibit 2 – 3)

3. The claimant did not return any of the requested information and she was mailed a Notice of Case Action (DHS-1605) on September 10, 2010 that indicated her FAP application had been denied for failure to provide the require verifications. (Department Exhibit 4 – 7)

4. The claimant submitted a hearing request on September 17, 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).

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.

FOOD ASSISTANCE PROGRAM GROUP COMPOSITION

Parents and Children

Children include natural, step and adopted children.

Parents and their children **under 22 years of age** who live together **must** be in the same group regardless of whether the child has his/her own spouse or child who lives with the group. BEM, Item 212, p. 1.

The claimant's hearing request indicates that she is disputing that her parents have to be included in her FAP group with her and her son. Department policy is clear with no exceptions in this case. Parents and children under 22 years of age who live together must be in the same program group. BEM 212. It does not matter if the claimant has a child herself. The claimant admits that she lives with her parents and admits that she is under age 22. Thus, her parents must be included on her FAP case.

The department mailed the claimant a Verification Checklist (DHS-3503) to inform the claimant she needed to submit verifications of her parents' income and expenses. The claimant did not provide these verifications to the department.

Claimants are required to comply with the local office to allow the department to determine initial or ongoing eligibility. BAM 105. The department informs the client what verification is required, how to obtain it, and the due date by using the Verification Checklist form (DHS-3503). BAM 130. Clients are provided ten days to return the verifications, but can request an extension of time to provide the verifications. BAM 130. If the time period to provide the verifications elapses and the verifications have not been provided, the department is directed to send a negative action notice. BAM 130.

In this case, the claimant argues that she contacted the department because she didn't know what she had to provide for verifications and never had a return call from the department.

The department representative testified that she was on vacation during this period of time, but that her voicemail clearly instructed the claimant to contact whoever was covering her position with any questions.

Further, the Verification Checklist explains all accepted proofs for each item requested by the department. The department requested mortgage or rent verification, and proof of income from the claimant's mother. It would appear that the claimant did not want her parents to be included in her FAP group, so she did not return any verifications concerning them. However, as indicated earlier, the claimant's parents are mandatory group members until the claimant is 22 years old. Therefore, when the claimant did not provide information to allow the department to determine eligibility that would include her parents, the department had no choice but to deny the application.

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 application as her parents were mandatory group members and the required verifications were not provided.

Accordingly, the department's actions are UPHeld. SO ORDERED.

/s/
Suzanne L. Morris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 8, 2010

Date Mailed: November 8, 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 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.

SLM [REDACTED]

cc: [REDACTED]