STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2011-32730 Issue No: 1005;2006;3008

Case No:

Hearing Date: June 23, 2011

Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

HEARING DECISION

This matter is before the undersigned Admini strative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notic e, a telephone hearing was held on June 23, 2011. Claimant personally appeared and testified.

<u>ISSUE</u>

Did the Department of Human Services (the department) properly propose to cancel claimant's Family Independenc e Program (FIP), Food Assistanc e Program (FAP) and Medical Assistance (MA) benefits based upon the fact that claimant failed to provide verification information?

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 was a FIP, FAP and MA benefit recipient.
- (2) On August 17, 2010, the department sent claimant case review notification which indic ated that the verifications were due on September 3, 2010. Claimant was also supposed to appear for an in-person interview at the department office on September 3, 2010.
- (3) On September 3, 2010, claim ant did not turn in her review verification information, nor did she show up fo r her in-person interview at the department district office.

- (4) On September 3, 2010, the department caseworker sent claim ant notice that her case was s cheduled to be can celled effective September 30, 2010, because she failed to provide review verification information and failed to attend her in-person appointment.
- (5) On September 28, 2010, claim ant filed a request for a hearing to contest the department's negative action.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An oppor tunity for a hearing shall be granted to an ap plicant who requests a hearing because his or her clai m for assistance has been denied. MAC R 400.903(1). Clients h ave the right to contes t a department decision affecting elig ibility or benefit levels whenev er it is believed that the decision is incorrect. The department will provide an adm inistrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

The Family Independence Progr am (FIP) was establis hed pursuant to the Personal Responsibility and W ork Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, et seq. The Department of Human Serv ices (DHS or department) administers the FIP progr am pursuant to MCL 400.10, et seq., and MAC R 400.3101-3131. The FIP program replaced the Ai d to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility M anual (PEM) and the Program Reference e Manual (PRM).

The Medical Assistance (MA) program is estab lished by Title XIX of the Social Sec urity Act and is implemented by Title 42 of the C ode of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The Food Assistanc e Program (FAP) (formerly known as the Food Stamp (FS) program) is establis hed by the Food St amp 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).

Pertinent Department policy dictates:

Cooperation, Verification, and Eligibility Determination DEPARTMENT POLICY

All Programs

Clients have rights and responsibilities as specified in this item.

The local office must do all of the following:

- Determine eligibility.
- Calculate the level of benefits.
- . Protect client rights. BAM, Item 105, p. 1.

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate

All Programs

Clients must cooperate with the lo cal office in determining initial and ongoing eligibility. This includes completion of the necessary forms. PAM, Item 105, p. 5.

Client Cooperation

The client is responsible fo r providing evidence needed to prove disability or blindness. However, you must assist the client when they need your help to obtain it. Such help includes the following:

- Scheduling medical exam appointments
- Paying for medical evidence and medical transportation
- See PAM 815 and 825 for deta ils. PEM, Item 260, p.
 4.

A client who refuses or fails to submit to an exam necessary to determine disabilit y or blindness **cannot** be deter mined

disabled or blind and you may deny or close the case. PEM, Item 260, p. 4.

All Programs

Clients must completely and truthfully ans wer all questions on forms and in interviews. PAM, Item 105, p. 5.

The client might be unable to answer a question about himself or another person whose circumstances must be known. Allow the client at least 10 days (or other timeframe specified in policy) to obtain the needed information. PAM, Item 105, p. 5.

FAP Only

Do **not** deny eligibilit y due to failure to cooperate with a verification request by a person **outside** the group. In applying this policy, a person is considered a group member if residing with the group and is disqualified. PAM, Item 105, p. 5.

Refusal to Cooperate Penalties

All Programs

Clients who are able but refu se to provide necessary information or take a required action are subject to penalties. PAM, Item 105, p. 5.

Explain reporting requirements to all clien ts at application, redetermination and when discussing changes in circumstances. PAM, 105, p. 8.

Verifications

All Programs

Clients must take actions with in their ability to obtain verifications. DHS staff must assist when necessary. See PAM 130 and PEM 702. PAM, Item 105, p. 8.

LOCAL OFFICE RESPONSIBILITIES

All Programs

Ensure client rights described in this item are honored and that client responsibilities are explained in understandable terms. Clients are to be treated with dignit y and respect by all DHS employees. PAM, Item 105, p. 8.

VERIFICATION AND COLLATERAL CONTACTS

DEPARTMENT POLICY

All Programs

Verification means documentation or other evidence to establish the accuracy of the client's v erbal or written statements.

Obtain verification when:

- . required by policy. PEM it ems specify which factors and under what circumstances verification is required.
- required as a loc al office option. The requirement must be applied the same for every client. Local requirements may not be imposed for MA, TMA-Plus or AMP without prior approval from central office.
- information regarding an eligib lility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party. PAM, Item 130, p. 1.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. PAM, Item 130, p. 1.

Verification is **not** required:

- . when the client is clearly ineligible, or
- . for excluded income and assets **unless** needed to establish the exclusion. 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, Verifica tion Check list, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification. PAM, Item 130, p. 2.

The client must obtain require d verification, but you must assist if they need and request help. PAM, Item 130, p. 2.

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.

Exception: Alien inf ormation, blindness, disability, incapacity, incapability to dec lare one's residence and, for FIP only, pregnancy must be ve rified. Citizens hip and identity must be verified for clients claiming U.S. citizenship for applicants and recipients of FIP, SDA and MA. PAM, Item 130, p. 3.

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 can<u>not</u> provide t he verific ation des pite a reasonable effort, extend the time limit at least once. PAM, Item 130, p. 4.

In the instant case, this Administrative Law Judge finds that claim and did testify on the record that she was out of town and wh en she got back the notice that she was supposed to appear was waiting for her. She st ated that she called the department on numerous occasions and that the voicemail was full. She also stated that she left three voicemail messages and did come in to drop off documents. The department representative stated that he did not have a record of the calls or visits and received no verification information before September 30, 2010. Even assuming the facts in the light most favorable to claimant, claimant admitted on the record that she was aware that she had to provide review information to the department and appear at an in-pers interview on September 3, 2010, in order to retain her benefits. Notice of the meeting was sent to her on September 3, 2010. She did receive her notice of the meeting in a timely manner. Claim ant did have ample time to reschedule an in-person interview and turn in ver ification information and could have mailed her review doc uments to the department district offi ce. She did not att end the in-person meeting. Claimant did not request an extension of time to provide the review ver ification information. She did not turn in review verification information documents in a timely manner.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusion sof law, decides that the department has established by the necessary competent, material and substantial evidence on the record that it was acting in compliance with department policy when it proposed to cancel claimant's Family Independence Program, Food Assistance Program and Medical Assistance benefits under the circumstances. This Administrative Law Judge finds that claimant did not provide good cause for the failure to attend her in-person appointment. Nor did she provide good cause for her failure to provide review vereification documents in a timely manner.

Accordingly, the department's decision is AFFIRMED.

Landis

Y. Lain

Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: __June 23, 2011

NOTICE: Administrative Hearings may or der 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 Hear ings will not orde rarehearing 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

LYL/alc



Date Mailed: June 23, 2011