

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

IN THE MATTER OF:



Reg No: 2011 34083  
Issue No. 3008, 2006  
Case No: [REDACTED]  
Hearing Date:  
June 14, 2011  
Wayne County DHS (15)

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 the Claimant's request for hearing. After due notice, a telephone hearing was conducted by the undersigned in Detroit, Michigan on June 14, 2011. The Claimant was present and testified. Jezita Hubbard, ES appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's Food Assistance (FAP) benefits and Medical Assistance (TMA) for failure to verify information.

FINDINGS OF FACT

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

1. The Claimant was an ongoing recipient of Food Assistance (FAP) and Medical Assistance.
2. The Claimant was sent a semi annual contact report and returned it by the due date.

3. The Department determined that, based upon information it discovered in its system, that the Claimant must provide further verification of previous employment and sent a verification request to the Claimant on April 21, 2011 seeking verification of pay information and a verification of employment to be filled out by the employer.
4. Prior to the due date, the Claimant called her caseworker to advise that the employer was delaying her response and that she was having a problem getting the information.
5. The Claimant filed the completed verification information with the Department on May 2, 2011, by the verification due date, by dropping it in the Department drop box and signed the sign in log. Exhibit 2
6. The Claimant's caseworker did not receive the verification information until May 3, 2011, after the due date. Exhibit 2
7. The Department closed the Claimant's case for failure to provide the verification information by the due date.
8. The Department's mailroom was having problems getting mail to the caseworkers, and the Claimant's caseworker indicated that the documentation could have been received but was not given to her on the date it was received.
9. The Claimant requested a hearing on May 19, 2011, protesting the closure of her food Assistance and Medical Assistance case as she provided the requested verification information by the due date.

#### 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 (formerly known as the Family Independence Agency) 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 Reference Table (RFT).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) 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).

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The questionable information might be from the client or a third party. Id. The Department can use documents, collateral contacts or home calls to verify information. Id. The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. BAM 130, p.4; BEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130, p. 4. Before making an eligibility determination, however, the department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. BAM 130, p 5.

The Department is required to verify employment and income at application and when a change is reported. If the client fails to verify these items the Department must close the Claimant's case or deny the application for failure to verify the requested information. BEM 554, p. 11. The verification checklist advises clients that the proofs must be provided by the due date and that failure to return the information may cause benefits to be denied.

In this case, the Department mailed out a Verification Checklist requesting several pieces of information including verification of employment and income. The Claimant testified credibly that all of the requested information was provided to the Department by the due date, that it was deposited in the drop box and that she signed the sign in sheet at the drop box. The Department representative testified that she often does not receive her mail from clients as there are problems in the Department's mail room and that it was possible the Claimant's package was lost by the Department in transit and not delivered to her on the date it was dropped off by the Claimant. In this case, because of the Claimant's credible testimony, and the honest admission by the department that there appears to be problems receiving mail from clients, it must be found that there was no refusal to cooperate and that the information was delivered in a timely manner by the Claimant. Accordingly, it is determined that the closure of the Claimant's case must be reversed and that the case must be reinstated and processed as of June 1, 2011, the date of closure.


Based on the foregoing, it is found that the Department's closure of the Claimant's FAP and MA case was in error and that the Claimant did not refuse to cooperate with the Department in providing the requested verification information and therefore the Department's determination is REVERSED.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the closure of the Claimant's FAP and MA case was in error and that the Claimant did not fail to verify information by the due date. Therefore, the Departments determination to close the Claimant's case is REVERSED.

Accordingly, it is ORDERED:

1. The Department is ordered to reinstate the Claimant's Fap and MA case retroactive to the date of closure, June 1, 2011, and to reprocess the case and the verification information and make a determination of the Claimant's eligibility for FAP and MA.
2. The Department shall issue the Claimant a FAP supplement for any FAP benefits she was otherwise entitled to receive retroactive to the date of closure, June 1, 2011.

  
Lynn M. Ferris  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 06/16/11

Date Mailed: 06/20/11

**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.

LMF/dj

cc:

