

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

IN THE MATTER OF:



Registration. No: 2011-35822  
Issue No: 3008; 6015  
Case No: [REDACTED]  
Hearing Date: June 29, 2011  
Washtenaw County DHS

**Administrative Law Judge:** Mark A. Meyer

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge in accordance with MCL 400.9, MCL 400.37 and 1979 AC, R 400.903. Claimant requested a hearing on June 3, 2011, and, after due notice, one was held on June 28, 2011. Claimant appeared at hearing and provided testimony. The Department of Human Services (the Department) was represented by agency personnel.

**ISSUE**

In dispute was whether the Department properly denied Claimant's application for Family Independence Program (FIP) and Child Development and Care (CDC) benefits, and terminated her Food Assistance Program (FAP) benefits, for failure to provide requested verification of: (1) a designated care provider; and (2) a claimed job loss within thirty days of application.

**FINDINGS OF FACT**

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

1. Claimant applied for FIP and CDC benefits on March 22, 2011. At that time, Claimant informed the Department that she lost her employment within 30 days of submitting her benefits application. (Department's hearing summary, dated May 19, 2011.)
2. Claimant was receiving FAP benefits at the time of her FIP/CDC application. (Department's Exhibit D-4.)
3. On April 4, 2011, the Department sent Claimant the following documents: (1) a verification checklist (DHS-3503-C) requesting verification of her job loss; and (2) a CDC provider verification (DHS-

- 4025) requesting that she submit information regarding her selected care provider. (Department's Exhibit D-2; Department's Exhibit D-3.)
4. The due date for both verification documents was April 14, 2011. (Department's Exhibit D-2; Department's Exhibit D-3.)
  5. Claimant failed to submit either of the documents by the established due date. (Department's hearing request; Department representative's hearing testimony, June 29, 2011; Claimant's hearing testimony, June 29, 2011.)
  6. The agency sent a notice of case action to Claimant on April 27, 2011, informing her that her application for FIP and CDC benefits was denied, and that her FAP benefits case was closed, due to her failure to provide the requested verifications. (Department's Exhibit D-4.)
  7. Claimant's request for a hearing to contest the agency's actions followed. (Claimant's hearing request, received June 3, 2011.)

### **CONCLUSIONS OF LAW**

The hearing and appeals process for applicants and recipients of public assistance in Michigan is governed by 1999 AC, R 400.901 through 400.951, in accordance with federal law. An opportunity for hearing must be granted to an applicant who requests a hearing because his claim for assistance is denied or not acted on with reasonable promptness, and to any recipient who is aggrieved by Department action resulting in suspension, reduction, discontinuance, or termination of assistance. Rule 400.903(1).

An applicant or recipient holds the right to contest an agency decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department must provide an administrative hearing to review the decision and determine its appropriateness. Bridges Administrative Manual (BAM) 600, p. 1.<sup>1</sup>

Here, the Department denied Claimant's application for FIP and CDC benefits. The agency also terminated her FAP benefits, effective June 1, 2011. From those actions, Claimant filed a request for hearing.

The FIP was established under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 8 USC 601, *et seq.* The Department administers the FIP in accordance with MCL 400.10, *et seq.*, and Rules 400.3101 through 400.3131. The FIP replaced the Aid to Dependent Children (ADC) program, effective October 1, 1996. Agency policies pertaining to the FIP are found in the BAM, Bridges Eligibility Manual (BEM), and reference tables manual (RFT). The program's purpose is to

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<sup>1</sup> All policy citations are to Department of Human Services' policy in effect at the time of the agency action in dispute.

provide temporary cash assistance to support a family's movement to self-sufficiency. BEM 230A, p. 1.

FAP – formerly known as the Food Stamp Program – was established by the Food Stamp Act of 1977, 7 USC 2011, *et seq.*, and is implemented through federal regulations found in 7 CFR 273.1 *et seq.* The Department administers the FAP under MCL 400.10, *et seq.*, and Rules 400.3001 through 400.3015. Agency policies pertaining to the FAP are found in the BAM, BEM, and RFT. The goal of the FAP is to ensure sound nutrition among children and adults. BEM 230B, p. 1.

The CDC program was established under Titles IVA, IVE, and XX of the Social Security Act, 42 USC 301, *et seq.*, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193 (1996). The program is implemented under Title 45 of the Code of Federal Regulations, Parts 98 and 99. In accordance with this authority, the Department administers the program and provides services to adults and children under MCL 400.14(1) and Rules 400.5001 through 5015. Department policies pertaining to the CDC program are found in the BAM, BEM, and RFT. The goal of the CDC program is to preserve the family unit and to promote its economic independence and self-sufficiency by promoting safe, affordable, accessible, quality child care for qualified Michigan families. BEM 703, p. 1.

A client must cooperate with the Department in determining initial and ongoing eligibility for assistance benefits. BAM 105, p. 5. The disputed issue here involved the matter of requested verification regarding Claimant's loss of employment and designation of a care provider.

Verification is defined as "documents or other evidence to establish the accuracy of the client's verbal or written statements." BAM 130, p. 1. Verification is usually required at application, redetermination, or for a reported change affecting eligibility or level of benefit. BAM 130, p. 1. The Department will instruct a client: (1) what verification is required; (2) how to obtain it, and (3) the due date for submission. BAM 130, p. 2. For verification purposes, the agency primarily uses the VCL, Form DHS-3503. BAM 130, p. 2-3.

Verification requested by the Department must be obtained by the client, although assistance may be requested from the agency if needed. BAM 130, p. 3; see also BAM 105, p. 9. The client must take action within his or her ability to obtain verifications. BAM 105, p. 8; BEM 702, p. 1. For the FIP, CDC, and FAP, a client is allowed 10 calendar days to provide requested verification. BEM 130, p. 5; see also BEM 702, p. 1.

A client who is able, but demonstrates a refusal to provide requested verifications or take a required action, is subject to penalties. BAM 105, p. 5. For example, a negative action notice is issued against the client when he or she:

- indicates a refusal to provide a verification, or
- the time period given for providing the requested verification elapses.

BAM 130, p. 6.

Here, Claimant testified that she did not recall receiving the Department's verification request forms (i.e., DHS-3505-C and DHS 4025). The proper addressing and mailing of a letter creates a legal presumption that it was received. *Stacey v Sankovich*, 19 Mich App 688, 694; 173 NW2d 225 (1969). This presumption may be rebutted by evidence, but whether it was is a question for the trier of fact. *Long-Bell Lumber Co v Nynam*, 145 Mich 477; 108 NW 1019 (1906).

The record in the present matter established that both verification forms were sent to Claimant's last known address – [REDACTED] on April 4, 2011. There was no testimony or evidence indicating that the Department received either document back as undeliverable; the Department's representative testified that no mail had been returned from Claimant. Moreover, Claimant stated that she did not move from the [REDACTED] address until approximately two weeks before the June 29, 2011, hearing. Claimant also testified that she received the Department's April 27, 2011, notice of case action and the June 14, 2011, notice of hearing. Finally, according to Claimant, while she could not recall receiving the two verification forms, she "could have misplaced them." (Claimant's hearing testimony, June 29, 2011.)

Based on the testimony and evidence presented in this matter, Claimant failed to overcome the presumption that she did receive the Department's verification requests. See *Stacey*, 19 Mich App p. 694.

Claimant testified that whether or not she received the verification forms, she did provide the Department with information establishing her loss of employment. But, according to her, she did not do so until after receiving the agency's April 27, 2011, notice of action that her application for FIP and CDC benefits was denied and her FAP benefits case closed. In other words, she effectively admitted that she did not provide the requested verification until well after the established due date of April 14, 2011. See BAM 130, p. 6.

Finally, Claimant testified that she did not recall applying for CDC benefits on March 22, 2011. According to her, even had she received any verification form from the Department pertaining to such benefits, she would not have completed it nor returned it to the agency.

### **DECISION AND ORDER**

Based on the above findings of fact and conclusions of law, the Administrative Law Judge determines that the Department properly denied Claimant's FIP and CDC application, as well as properly terminated her FAP benefit case, effective June 1, 2011,

based on her failure to adequately or timely comply with the agency's request for verification.

The Department's action in this matter is UPHELD.

It is SO ORDERED.

/s/ \_\_\_\_\_  
Mark A. Meyer  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: July 14, 2011

Date Mailed: July 14, 2011

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.

Claimant may appeal this Decision and Order to the Circuit Court for the county in which he/she resides within 30 days of the receipt of this Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

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