

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

IN THE MATTER OF:



Reg. No: 201135997
Issue No: 3008
Case No: [REDACTED]
Hearing Date: June 29, 2011
Allegan County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

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 June 28, 2011. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly close the claimant's Food Assistance Program (FAP) case for failure to return 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 was sent a FAP redetermination form (DHS 1010) on March 15, 2011. (Department Hearing Summary).
2. The client subsequently moved to Allegan County and submitted the redetermination form on April 25, 2011 and was interviewed regarding such on May 5, 2011 (Department Exhibit 4-6).
3. During the interview, the claimant stated she had quit her job and was attending school full time (Department Exhibit 4-6).
4. The claimant was sent a Verification Checklist (DHS 3503), a Verification of Student Information (DHS 3380), and a Verification of Employment (DHS 38) on May 2, 2011 to verify her stated change in employment and student status for purposes of completing her FAP redetermination. (Department Exhibits 11-16).

5. The claimant failed to submit the verification forms to the department by their due date of May 12, 2011. (Department Exhibit 11).
6. The claimant was sent a Notice of Case Action (DHS 1065) on May 13, 2011 informing her that her case was being closed due to her failure to submit the required verifications. (Department Exhibit 2-3).
7. The claimant never submitted an application for cash assistance benefits through the department.
8. The claimant submitted a hearing request on May 26, 2011.

CONCLUSIONS OF LAW

The claimant indicated at the hearing that she was improperly denied cash assistance benefits (FIP). However, the claimant did testify that she had not filled out an application for FIP benefits and submitted such to the department. MAC 400.903 lays out instances where recipients of assistance have a right to an administrative hearing within the Michigan DHS. This rule specifies when an opportunity for a hearing shall be granted:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. MAC 400.903(1).

At the time of the claimant's hearing request, the department had not taken any action to suspend, reduce, discontinue or terminate the claimant's FIP (cash assistance) benefits. In fact, the claimant had not submitted an application to the department for FIP benefits at the time the hearing was requested. Therefore, under the administrative rule discussed above, claimant does not have a right to a hearing and thus, this Administrative Law Judge has no jurisdiction in this matter.

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 opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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).

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.

Department policy states as follows:

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 105.

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 105.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. BAM 130.

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 130.

The client must obtain required verification, but you must assist if they need and request help.

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. BAM 130.

Timeliness Standards

FIP, SDA, CDC, FAP

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification you request. BAM 130.

Exception: For CDC only, if the client cannot provide the verification despite a reasonable effort, extend the time limit at least once.

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email), the date of the transmission is the receipt date. Verifications that are submitted after the close of business hours through the drop box or by delivery of a DHS representative are considered to be received the next business day.

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 130.

Note: For FAP only, if the client contacts the department prior to the due date requesting an extension or assistance in obtaining verifications, you must assist them with the verifications but do not grant an extension. Explain to the client they will not be given an extension and their case will be denied once the VCL due date is passed. Also, explain their eligibility will be determined based on their compliance date if they return required verifications. Re-register the application if the client complies within 60 days of the

application date; see BAM 115, Subsequent Processing.
BAM 130.

In the case at hand, the claimant admits that she was sent a Verification Checklist, a Verification of Student Information, and a Verification of Employment. The claimant testified that she was unable to obtain the verification requested as she did not have access to a fax machine or a telephone. The claimant did provide information regarding her wages from her employment with Macys to the department via fax. However, this was not the information requested by the department as the claimant had stated that she was no longer employed with Macys. The claimant testified that she did not submit the Verification of Employment requested by the department.

The claimant also testified that she did not submit her Verification of Student Information to the department. She testified that she takes online classes through Kaplan University and as such, had a difficult time getting in touch with a central office which could provide her with the requested verification.

The claimant further testified that she did not contact the department to request any assistance or to inform the department of the problems she was having obtaining the requested verifications.

The requested verifications were not turned in to the department by the claimant and the claimant did not contact the department to request assistance or explain the problems she was facing regarding the acquisition of the verifications. Since the department did not receive the requested information or any communication from the claimant regarding such, the department properly closed the claimant's FAP case based on the claimant's failure to cooperate by not providing the requested verifications.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly closed the claimant's FAP case for failure to cooperate.

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

_____/s/_____
Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 07/01/2011

Date Mailed: _____

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.

cc:

