

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201137635
Issue No: 3008, 1017
Case No: [REDACTED]
Hearing Date: July 14, 2011
Kent 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 July 14, 2011. The claimant personally appeared and provided testimony. An interpreter was provided to assist the claimant with the hearing.

ISSUES

Did the department properly deny the claimant's Food Assistance Program (FAP) application for failure to return the required verifications and did the department properly close the claimant's Refugee Assistance Program Cash (RAPC) case due to excess income?

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 receiving FAP benefits as well as RAPC benefits.
2. On May 5, 2011, the department was notified by [REDACTED] that the claimant was working. (Department Hearing Summary).
3. The claimant was asked to submit verification of the groups income and expenses by May 31, 2011 in order to continue the FAP case.
4. The department budgeted the claimant's group income and expenses for the RAPC program and determined that the claimant's group income was over the income limit. (Department Exhibit 2).
5. The claimant failed to return the required verifications to the department by the due date.

6. The department sent the claimant a notice of case action (DHS 1605) on May 20, 2011 stating that the claimant's RAPC benefits would be closing due to the group having exceeded the allowable income amount for program eligibility. (Department Exhibit 3).
7. The department sent the claimant a notice of case action (DHS 1605) on June 1, 2011 stating that the claimant's FAP benefits would be closing for failure to provide the required verifications. (Department Exhibit 5).
5. The claimant submitted a hearing request on June 3, 2011.

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 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).

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 105.

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 105.

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 testified that he did not turn in the required verifications to the department until July 5, 2011. The verifications requested were due to the department by May 31, 2011. The claimant has since reapplied and had his benefits reinstated, with there only being a lag time of five days between the closure of the case in question and the claimant's new case. Because the claimant did not refute that he turned in the verifications late, and did not offer good cause for the tardiness, the department acted properly in closing the claimant's FAP case.

The Refugee Assistance Program (RAP) is a federal program established by the U.S. Congress pursuant to The Immigration and Nationality Act and the Code of Federal Regulations 45 CFR 400 and P.L. 106-386 of 2000, Section 107. The Department of Human Services (formerly known as the Family Independence Agency) administers the RAP program. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The RAP program is designed to help refugees become self sufficient after their arrival in the U.S. The program is divided into two components; the Refugee Assistance Program Cash (RAPC) and Refugee Assistance Program Medical (RAPM). BEM 630. In relation to eligibility, department policy states as follows:

ELIGIBILITY

Choice of Category RAPC

RAPC eligibility factors are listed in BEM 209, Cash Assistance General Requirements. When a family/individual applies for cash assistance, Bridges determines group composition and builds an eligibility determination group

(EDG) for these programs in the following order: FIP, RAPC, then SDA.

FINANCIAL ELIGIBILITY FACTORS

Income RAP

Follow income policy in BEM 500

RAPC

Income eligibility exists when net income of individuals with a RAPC EDG participate status of eligible or disqualified is less than the needs of the certified group (CG). RAPC uses the same payment standard as FIP; see RFT 210.

In the case at hand, the department used an earned income average of [REDACTED] for the claimant's group. Although the claimant testified that the hours worked by each member of his group vary on a monthly basis, the claimant did not dispute the amount of income used by the department in making the determination.

Using the amount of [REDACTED] for monthly income for the claimant's group, and subtracting the appropriate deductions found in BEM 518, the department determined a countable income of [REDACTED]. This amount clearly exceeds the eligible amount of [REDACTED] for a group size of 2 as found in RFT 210. Therefore, the department properly closed the claimant's RAPC case due to excess income.

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 turn in the required verifications and properly closed the claimant's RAPC case due to the claimant having income that exceeds the eligible amount.

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

/s/

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

Date Signed: July 22, 2011

Date Mailed: July 25, 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 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.

CSS/cr

cc:

