

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 2011-4250

Issue No: 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

December 7, 2010

Kent County DHS

ADMINISTRATIVE LAW JUDGE: Kandra Robbins

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 December 7, 2010. The claimant personally appeared and provided testimony. She was also represented by [REDACTED].

ISSUE

Did the Department properly terminate the Claimant's FAP benefit for failure to cooperate?

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 applied for FAP on July 16, 2010. (Hearing Summary).
2. Claimant was mailed a Verification Checklist (DHS-3503) on July 27, 2010, requesting a verification of employment. These items were due on August, 6, 2010. (Department Exhibit 1).
3. Claimant reported to Michigan Works that she needed to provide employment verification.
4. Since the department did not receive the requested verification, Claimant's application for FAP was denied on August 30, 2010. (Department Exhibit 2).

5. Claimant submitted a hearing request on September 1, 2010 contesting the denial of her FAP application.

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 - .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). An opportunity for a hearing shall be granted to an applicant who requests a hearing because of a denial. MAC R 400.903(2). Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. 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, Item 105, p. 5.

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, Item 105, p. 5.

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, Item 105, p. 8.

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, Item 105, p. 10.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM, 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, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification. BAM, Item 130, p. 2-3.

The client must obtain required verification, but you must assist if they need and request help. BAM, 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 cannot provide the verification

despite a reasonable effort, extend the time limit at least once. BAM, Item 130, p. 5.

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, Item 130, p. 5.

In this case, Claimant stated that she attempted to identify which individual from Michigan Works would be able to complete the required verifications necessary for her FAP application. She states that she was unable to identify anyone and reported to Michigan Works that she needed verification of employment. She admits that she did not contact the Department to inform them of her difficulty or to request assistance from the worker.

Department policy states that “the local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications.” This Administrative Law Judge finds that the claimant did not request assistance from the Department. The Department had no way of knowing that the Claimant needed assistance.

In this case, the claimant is disputing the closure of her FAP case for failure to submit the required completed redetermination form.

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 has not been provided, the department is directed to send a negative action notice. BAM 130.

The Claimant admits that she received the Verification checklist. She acknowledges that she did not provide the Department with all of the necessary documentation. The Verification documents are needed to determine FAP eligibility. BEM 400.

The claimant is required to comply with the department in providing the verification materials necessary to allow the department to determine initial or ongoing eligibility. BAM 105. In this case, the claimant failed to provide the Department with the verification documents necessary to determine eligibility.

Department policy indicates that failure to provide proof eligibility will result in penalties. BAM 105, 130. In this case, the department could not determine the claimant's continued eligibility for the FAP program and closed the claimant's FAP case properly.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly terminated the Claimant's FAP benefits because the Claimant failed to submit the documents needed to verify her eligibility for FAP benefits.

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

/s/
Kandra Robbins
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 22, 2010

Date Mailed: December 27, 2010

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.

IR/tg

cc:

