

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg No: 2011-11399
Issue No: 3008
Case No: [REDACTED]
Hearing Date:
January 20, 2011
SSPC -EAST

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 a hearing received by the Department on September 20, 2010. After due notice, a telephone hearing was conducted from Detroit, Michigan on January 20, 2011. The Claimant appeared and testified. Loretta Bantom, FIM appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's FAP application due to Claimant's failure to return information requested by the Verification Checklist by the due date?

FINDINGS OF FACT

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

- 1) The Claimant applied for FAP benefits online August 3, 2010.
- 2) A verification checklist and a verification of Employment were sent to the Claimant on August 17, 2010 and had a due date of August 27, 2010.

- 3) The Department denied the application of August 28, 2010 by Notice of Case Action when the verifications were not returned by the due date. Exhibit 2
- 4) A verification checklist was provided to the Claimant requesting proof of loss of employment. Exhibit 1.
- 5) The Department (SSPC East) received verification from the Claimant's employer after the Department had denied the case. The Employer returned the verification to SSPC East as that is where it was advised to return the verification of loss of employment. Exhibit 3
- 6) The Claimant testified that she submitted all the requested verifications to her local office in Walled Lake before the due date, approximately 5 days after the telephone interview but before the due date. The Claimant signed the sign in journal at the Walled Lake office when she verified the information.
- 7) At the telephone interview regarding the online FAP application the Claimant was told to provide the local Walled Lake office the verification information because she had applied for medical assistance at that office. The Claimant did as she was advised to do by the Department.
- 8) The Claimant filed for Medicaid within the same week that she applied online for FAP.
- 9) The Walled Lake office should have requested the pending Fap application be sent to them by SSPC – East but did not.
- 10) No representative from the Walled Lake DHS office testified at the hearing.
- 11) The only information received by the DHS self service processing center East did not contain all the information requested by the verifications but did contain a Shelter form dated September 16, 2010 after the verification due date.

- 12) The online application should have been transferred to the Walled Lake office once the Claimant applied for Medical Assistance but the application was never transferred to Walled Lake, nor did the Walled Lake office request same.
- 13) The Claimant requested a hearing protesting the denial of the FAP application on September 8, 2010. The Claimant's hearing request was received by the Department on September 20, 2010.

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 Bridges Reference Manual (BRM).

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. 6.

The Department is required to verify loss of employment and income at application and when a change is reported. Additionally the Department requested other identification information from the Claimant. Exhibits 1 and 2. If the client fails to verify these items the Department must close the Claimant's FAP application for failure to verify the requested information. BEM 554, p. 11.

In this case, the Department mailed out a Verification Checklist seeking verification of loss of employment to the Claimant after a FAP phone interview conducted after the online application was made. After the phone interview the Claimant applied for Medical Assistance at her local office and was told to file her verifications for her FAP application with the local office and not with the SSPC. Because the SSPC East never received the requested verifications, nor was it asked to transfer the Claimant's case to the Local Office, the SSPC denied the Claimant's FAP application because it only received a Shelter form after the verification deadline and after the application had been denied. .

Based upon the record as a whole, and the Claimant's credible testimony that she filed all the requested verification information by the due date with her local DHS office and signed the sign in journal, it is found that the application was denied improperly as the claimant did not refuse to cooperate and in fact filed the appropriate information. The Claimant did as she was advised and filed her verification information at the local office, the local office never followed up with SSPC East to request that the

FAP application be transferred to the local office. The closure though based on a failure to receive the information was incorrect because the information was filed by the Claimant by the due date and the Claimant did not refuse to cooperate with the Department in providing the information. This is especially true when the Claimant did as she was told and the SSPC East was never advised of the Medicaid application. The Claimant's testimony was credible and she was following the directions of the local office of the Department.

The undersigned finds that the Department did not properly deny the FAP application and that the application must be reinstated by the Department and further verifications obtained as necessary if the verifications filed with the local office are not available..

Accordingly, it is found that the Department's denial of the Claimant's FAP application is REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department improperly denied the Claimant's FAP application due to failure to provide verifications by the due date and its determination is REVERSED.

Accordingly, it is ORDERED:

1. The Department shall reinstate the Claimant's FAP application retroactive to the date of application and determine eligibility of the Claimant to receive FAP benefits.
2. If the verification information provided by the Claimant is no longer available, the Claimant shall be provided an opportunity to provide the

requested information and the Department will issue a verification checklist for the requested additional information.

3. The Department shall rely on the previously submitted information regarding employment verification and shelter verification which is in its possession.
4. If the Department determines the Claimant is eligible for FAP benefits, it shall issue a FAP supplement retroactive to the date of the Claimant's FAP application for any FAP benefits the Claimant was otherwise eligible to receive.


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

Date Signed: 02/02/11

Date Mailed: 02/03/11

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 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.

LMF/dj

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