

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 201132320
Issue No. 2006 3008
Case No. [REDACTED]
Hearing Date: June 2, 2011
Wayne County DHS (41)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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. After due notice, a telephone hearing was held on June 2, 2011. The claimant appeared and testified. On behalf of Department of Human Services (DHS), Deborah Lesure, Specialist, and Alicia McNair, Manager, appeared and testified.

ISSUE

Whether DHS properly terminated Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) benefits due to an alleged failure by Claimant to sufficiently verify employment income.

FINDINGS OF FACT

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

1. Claimant was an ongoing FAP and MA benefit recipient.
2. As part of a FAP and MA benefit redetermination, Claimant submitted check stubs to DHS for each of her jobs.
3. For Claimant's employment with [REDACTED] Inc. (Job #1), Claimant submitted check stubs for pay dates 1/20/11 and 11/23/10.
4. For Claimant's employment with [REDACTED] (Job #2), Claimant submitted check stubs dated 2/25/11 and 3/11/11.
5. On 4/12/11, DHS mailed a Verification Checklist (VCL) (Exhibit 1) to Claimant requesting a Verification of Employment (Exhibits 2 and 4) for each of Claimant's jobs.

6. The [REDACTED] gave Claimant until 4/22/11 to return both Verifications of Employment.
7. Claimant failed to return either Verification of Employment.
8. On 4/26/11, DHS initiated termination of Claimant's FAP and MA benefits.
9. Claimant's FAP benefits ended in 4/2011.
10. Claimant's MA benefits ended in 5/2011.
11. On 5/2/11, Claimant requested a hearing to dispute the termination of FAP and MA benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (formerly known as the Food Stamp 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). DHS (formerly known as the Family Independence Agency) administers the FAP pursuant to Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001-3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). Updates to DHS regulations are found in the Bridges Policy Bulletin (BPB).

The undersigned will refer to the DHS regulations in effect as of 4/2011, the month of the DHS decision which Claimant is disputing. Current DHS manuals may be found online at the following URL: <http://www.mfia.state.mi.us/olmweb/ex/html/>.

For all programs, DHS must request verifications when required by policy. BAM 130 at 1. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130 at 1. Verification is usually required at application or redetermination. *Id.*

In the present case, DHS required verification of Claimant's employment income. It was not disputed that this was required information to redetermine Claimant's FAP and MA benefits.

The redetermination process begins with DHS mailing a redetermination packet in the month prior to the end of the benefit period. *Id.* at 4. The packet consists of forms and requests for verification that are necessary for DHS to process the redetermination. Verifications for redetermination must be provided by the end of the current benefit period or within 10 days after they are requested, whichever allows more time. *Id.*

The dispute in the present case concerns whether Claimant satisfied a DHS request for 30 days of income verification for each of Claimant's jobs. It was not disputed that Claimant submitted check stubs dated 1/20/11 and 11/23/10 for Job #1. The undersigned failed to determine how often Claimant was paid for this employment.

Claimant's pay stubs from Job #1 were sufficiently far apart that DHS would naturally contend that the stubs did not reflect a 30 day period of income. The undersigned finds no fault with DHS seeking clarification of Claimant's income for Job #1 by requesting a Verification of Employment.

It was not disputed that Claimant submitted check stubs dated 2/25/11 and 3/11/11 for Job #2. The check stubs submitted for Job #2 appeared to verify a 30 day period and the undersigned did not understand a need for further verification. Claimant stated that the job involved refereeing basketball games and that she was paid irregularly. Under those circumstances, DHS would have a need to clarify the income with a Verification of Employment. Thus, it is found that DHS had a need to request Verifications of Employment for each of Claimant's jobs.

It was not disputed that Claimant failed to timely return each Verification of Employment. Claimant excused her failure by testifying that she submitted each Verification of Employment to her employer and that both employers failed to respond. Claimant did not clarify why she would have failed to follow-up with her employers regarding the submission.

The client must obtain required verification, but DHS must assist if the client needs and requests help. *Id.* at 3. If neither the client nor DHS can obtain verification despite a reasonable effort, DHS is to use the best available information. *Id.* If no evidence is available, DHS is to use best judgment. *Id.*

The undersigned interprets Claimant's testimony concerning her employer's failure to return the forms as reasonable. However, Claimant's failure to either follow-up with her employers or to timely report the failure of her employers to DHS is problematic for Claimant. The undersigned would be inclined to find favorably for Claimant had she established that she made efforts to communicate with her employers and subsequently with DHS. As this was not established, it is found that Claimant failed to verify necessary information for her FAP and MA benefit redetermination.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly failed to redetermine Claimant's FAP and MA benefits due to a failure by Claimant to verify necessary income information. The actions taken by DHS are AFFIRMED.



Christian Gardocki
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 06/17/11

Date Mailed: 06/20/11

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 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

CG/dj

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