

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 20115347
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 15, 2010
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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 received on November 3, 2010. After due notice, a telephone hearing was held on December 15, 2010. Claimant personally appeared and provided testimony.

ISSUE

Did the department properly close Claimant's FAP application based on a failure to verify monthly 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. In October 2010, Claimant applied for Medical Assistance (MA) benefits.
2. On October 7, 2010, the department mailed Claimant a verification checklist, requesting bank statements and verification of income for the Medicaid (MA) and Food Assistance Program (FAP) in the form of check stubs, earnings statements, or a DHS 38 Verification of Employment from her employer by October 18, 2010. (Department Exhibit 2).
3. On October 20, 2010, the department closed Claimant's FAP case for failure to submit the requested verification.

4. On November 3, 2010, the department received Claimant's hearing request, protesting the denial of FAP benefits.

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 (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 Bridges Reference Manual (BRM).

Department policy states that clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. BAM 105. Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. BAM 105. Clients must take actions within their ability to obtain verifications.

The department must assist when necessary. See BAM 130 and BEM 702. BAM 105. 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. BAM130.

The department uses the DHS-3503, Verification Checklist to tell the client what verification is required, how to obtain it and the due date. The client must obtain required verification, but the department must assist if they need and request help. BAM 130.

A client is allowed 10 calendar days (**or** other time limit specified in policy) to provide the verification requested by the department. If the client cannot provide the verification despite a reasonable effort, the time limit is extended at least once. BAM 130. The department sends 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.

Claimant applied for Medicaid. Claimant was mailed a Verification Checklist instructing her to bring in verification of employment and bank statements for the Medicaid and Food Assistance Program. Claimant admits she received the Verification Checklist but stated that she thought it was only concerning her Medicaid request because she was already receiving food assistance. Claimant testified that she dropped off her pay stubs in the drop box at the department. Claimant could not remember what date she dropped the pay stubs off. Claimant stated that when she dropped off her paystubs she signed the green sheet. The department searched the green sign-in sheets Claimants sign when they drop off documentation to the department, from October 7, 2010 through

October 20, 2010. Claimant's name was not on the green sheets. This Administrative Law Judge finds that Claimant did not make a reasonable effort to provide verification of her income.

Claimant testified that she checked the box on her Request for a Hearing that she wanted to continue receiving her food assistance benefits while this hearing was pending. As noted on Claimant's Request for a Hearing, her hearing request had to be received by the department on or before November 1, 2010, in order for her to continue to receive her FAP assistance. Although Claimant's hearing request is signed and dated October 26, 2010, Claimant's hearing request was received by the department on November 3, 2010, eight days after the due date of November 1, 2010. Claimant testified that she turned in her hearing request on the day she signed it. However, the Request for a Hearing is date stamped November 3, 2010 – Lobby. Because Claimant missed the due date, her FAP benefits did not continue pending this hearing and that is why Claimant's FAP benefits stopped effective December 1, 2010. Therefore, the department properly closed Claimant's FAP case and Claimant is not entitled to a supplementary FAP payment for the month of December 2010.

DECISION AND ORDER

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

SO ORDERED.

/s/

Vicki L. Armstrong
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 20, 2010

Date Mailed: December 20, 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.

20115347/VLA

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.

VLA [REDACTED]

cc: [REDACTED]