

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

IN THE MATTER OF:



Reg. No: 201257731
Issue No: 3008, 6019
Case No: [REDACTED]
Hearing Date: July 17, 2012
Wayne 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 17, 2012. The claimant personally appeared and provided testimony.

ISSUES

1. Did the department properly close the claimant's case for Food Assistance Program (FAP) benefits for failure to return the requested verifications?
2. Did the department properly close the claimant's Child Development and Care (CDC) 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 a recipient of FAP and CDC benefits.
2. In May 2012, the claimant's case was scheduled for an annual redetermination. (Department Hearing Summary).
3. The claimant listed two employers on her redetermination. (Department Hearing Summary).
4. On May 1, 2012, the department sent the claimant a verification checklist requesting verification of her employment to be submitted to the department by May 11, 2012. (Department Exhibit 2).

5. The department did not receive the requested verifications by the due date of May 11, 2012.
6. On May 11, 2012, the department sent the claimant a notice of case action (DHS 1605) stating that her CDC case would be closing as her reported gross income exceeded the allowable limit. (Department Exhibit 6).
7. On May 18, 2012, the department sent the claimant a notice of case action (DHS 1605) stating that her FAP case would be closing as of June 1, 2012 due to her failure to submit the requested verifications. (Department Exhibit 7).
8. The claimant submitted a request for hearing on June 6, 2012, protesting the closure of her CDC and FAP cases.

CONCLUSIONS OF LAW

As a preliminary matter, the claimant indicated in her hearing request that she was also requesting a hearing regarding her Medical Assistance (MA) benefits. MAC 400.903 lays out instances where recipients of assistance have a right to an administrative hearing within the Michigan DHS. This rule specifies when an opportunity for a hearing shall be granted:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. MAC 400.903(1).

At the time of the hearing, the department had not taken any action to suspend, reduce, terminate, or otherwise negatively affect the claimant's benefits. Therefore, as there had been no negative action taken regarding the claimant's MA benefits, that portion of the claimant's hearing request is hereby dismissed.

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 Bridges Reference Manual (BRM).

The Child Development and Care program is established by Titles IVA, IVE, and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (DHS or Department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

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

Department policy states as follows:

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 this case, the claimant testified that she submitted the verifications that the department requested on May 25, 2012 and that she signed the applicable sign in log. Although the claimant did submit the requested verifications, they were submitted after the due date listed on the verification checklist. Therefore, the department did act properly in accordance with policy in closing the claimant's FAP case because the claimant did not submit the requested verification by the due date.

In relation to the claimant's CDC case, the department closed the claimant's CDC case due to the claimant's gross income exceeding the allowable income limit. According to the budget the department ran for the claimant (see Department Exhibit 8), the department concluded that the claimant had gross monthly earned income of [REDACTED] and gross monthly unearned income of [REDACTED] in the form of child support income. The claimant testified that she thought the amounts were not accurate in relation to the child support income as she did not receive the amounts used by the department. The department representative testified that the amounts for the child support used came from an interface with the Friend of the Court which shows amounts paid on a monthly basis (see Department Exhibit 5). The claimant was not able to provide evidence to refute the amounts used by the department. Additionally, the claimant testified that she did not make the monthly amount that the department attributed to her.

While the claimant may not have brought home the amount used by the department, the department is required by policy to use gross income (BEM 500) and to determine future income by multiplying either weekly income by 4.3 or biweekly income by 2.15 (BEM 505). The department representative testified that the last 30 days of the claimant's income was used to determine prospective income as per policy (BEM 505). Based on the testimony of the department representative and the evidence contained in the record which shows pay stubs and child support information, the Administrative Law Judge determines that the department did act properly in accordance with policy in determining the claimant's monthly income amount based on the information present before it at the time. RFT 270 states that CDC assistance is not available if gross monthly income exceeds [REDACTED] for a group size of three. Therefore, since the claimant's gross monthly income was properly determined to be [REDACTED] the

claimant's income exceeded the allowable amount for program eligibility. The department therefore properly closed the claimant's CDC case.

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 provide the requested verifications and properly closed the claimant's CDC case due to excess income.

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 30, 2012

Date Mailed: July 31, 2012

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:

