

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201221141

Issue No: 3008

[REDACTED]

[REDACTED]

Hearing Date: January 24, 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 the claimant's request for a hearing. After due notice, a telephone hearing was held on January 24, 2012. The claimant personally appeared and provided testimony.

ISSUE

Whether the department properly reduced the claimant's Food Assistance Program (FAP) benefits for failure to failure to cooperate with the requested verifications?

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 Food Assistance Program (FAP) benefits.
2. The claimant had applied for SER and as such was sent a verification checklist asking for a mortgage company or lender statement and property tax records due by October 13, 2011.
3. The claimant supplied mortgage payment coupons and a property tax bill on October 7, 2011.
4. The department did not consider the mortgage payment coupons supplied by the claimant to be proper verification of the mortgage obligation because said coupons did not contain the address of the property.

5. The claimant was sent a notice of case action on October 18, 2011 stating that her FAP benefits would be decreasing because her shelter expenses were removed from her budget due to her failure to verify those expenses.
6. The claimant filed a hearing request on December 29, 2011 protesting the reduction of her FAP benefits.

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 400.901-400.951. 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. 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 Bridges Reference Manual (BRM).

In relation to a claimant's responsibilities in obtaining the verifications needed for the department to make a determination, policy states as follows:

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 105.

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 105.

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.

In the case at hand, the claimant testified that she supplied the verifications that she thought were sufficient to show her mortgage expenses. The claimant further testified that she did not receive a phone call from her worker until November to inform her that the verifications submitted were not sufficient. The case worker was not able to confirm or deny the date the claimant asserted she was contacted regarding her verifications as he could not remember when he contacted the claimant. The case worker further testified that the claimant did submit the verifications mentioned above (mortgage coupons and tax bills) but that the mortgage coupons were not sufficient because they did not contain the address of the property in question. The claimant testified that as soon as she was made aware that the verifications previously turned in were not sufficient, she took immediate steps to provide sufficient verifications to the department.

This Administrative Law Judge does not find that the claimant refused to cooperate with the verification process in the case at hand. The claimant timely submitted forms that she thought would satisfy the department's request and that a reasonable individual could find would satisfy said request. Additionally, there was no testimony offered to refute the claimant's assertion that she was informed of the lack of sufficient verification in November, well after she had submitted her mortgage coupons. Therefore, the claimant was not given a reasonable opportunity to provide verifications that would be sufficient for the department. Accordingly, this Administrative Law Judge does not find that the claimant failed to cooperate with the verification process and in turn, that the department improperly reduced the claimant's FAP benefits for failure to do so.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly reduced the claimant's FAP benefits.

Accordingly, the department's actions are **REVERSED**.

It is HEREBY ORDERED department shall recalculate the claimant's FAP benefits back to the date of negative action and include the claimant's shelter expenses on her budget and, if applicable, issue any past due benefits due and owing that the claimant is otherwise eligible to receive.

/S/

Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: January 31, 2012

Date Mailed: January 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 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 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.

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