

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201258469
Issue No: 3008, 4003
Case No: [REDACTED]
Hearing Date: July 18, 2012
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 hearing was held on July 18, 2012. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) case on June 1, 2012?

Did the Department of Human Services properly close Claimant's State Disability Assistance (SDA) case on July 1, 2012?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of Food Assistance Program (FAP) and State Disability Assistance (SDA) benefits. Claimant's SDA eligibility was based on participation in Michigan Rehabilitative Services (MRS).
2. On April 30, 2012, Claimant submitted a Redetermination Form (DHS-1010).
3. On May 17, 2012, Claimant was sent a Verification Checklist (DHS Form 3503) and two Verification of Employment (DHS Form 38). The verifications were due back on May 29, 2012.
4. On May 18, 2012, Claimant's DHS case worker received an Email from Claimant's Michigan Rehabilitative Services (MRS) case worker that Claimant stopped using MRS services in December 2011.
5. On May 29, 2012, Claimant sent her DHS case worker an Email requesting more time to provide the required verifications.

6. On May 30, 2012, the Department had not received the required verifications. Claimant was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program (FAP) benefits stopped on June 1, 2012 and her State Disability Assistance (SDA) benefits would end on July 1, 2012.
7. On June 8, Claimant submitted a request for hearing.
8. On June 19, 2012, the Department received the required verifications.

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 Program Reference Manual (PRM).

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

BAM 130 VERIFICATION AND COLLATERAL CONTACTS DEPARTMENT POLICY All Programs

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Obtain verification when:

- Required by policy. BEM items specify which factors and under what circumstances verification is required.
- Required as a local office option. The requirement **must** be applied the same for every client. Local requirements may **not** be imposed for MA, TMA-Plus or AMP.
- Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level.

**Timeliness of Verifications
FIP, SDA, CDC, FAP**

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification you request.

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 or Mi Bridges document upload), the date of the transmission is the receipt date. Verifications that are submitted after the close of regular 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.

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.

Only **adequate** notice is required for an application denial. **Timely** notice is required to reduce or terminate benefits.

Exception: At redetermination, **FAP** clients have until the last day of the redetermination month **or** 10 days, whichever is later, to provide verification; see BAM 210.

**BAM 210 REDETERMINATION/EX PARTE REVIEW
DEPARTMENT POLICY
All Programs**

The Department of Human Services must periodically re-determine an individual's eligibility for active programs. The re-determination process includes thorough review of all eligibility factors.

Re-determination, semi-annual and mid-certification forms are often used to re-determine eligibility of active programs. However, the client **must** complete a DHS-1171, Assistance Application, to request a program that is not active at the time of redetermination.

FAP TIMELY AND UNTIMELY FILING DATE

FAP Only

Timely Filing Date

In order to receive uninterrupted benefits, (benefits available on their scheduled issuance date) the client must file the redetermination through MI Bridges or file either a DHS-1010, Redetermination, DHS-1171, Assistance Application, or a DHS-2063B, Continuing Food Assistance Benefits, by the 15th of the redetermination month.

Exception: If the client's redetermination materials are mailed late, the timely filing date is 17 days **after** the materials are mailed.

When processing a redetermination for FAP and FIP, SDA, MA, or AMP, consider the FAP redetermination filed timely if it is filed timely for the other program; see [FAP Client Failure to Meet Redetermination Requirements](#).

Untimely Filing Date

FAP Only

Any FAP redetermination form **not** submitted timely (see above) has the same processing timeframe as an initial application (30 days); see FAP Client Failure to Meet Redetermination Requirements in this item.

FAP CLIENT FAILURE TO MEET REDETERMINATION REQUIREMENTS

FAP Only

Delays

The group loses their right to uninterrupted FAP benefits if they fail to do any of the following:

- File the FAP redetermination by the timely filing date.
- Participate in the scheduled interview.
- Submit verifications timely, provided the requested submittal date is **after** the timely filing date.

Any of these reasons can cause a delay in processing the redetermination. When the group is at fault for the delay, the redetermination must be completed in 30 days.

If there is no refusal to cooperate and the group complies by the 30th day, issue benefits within 30 days. Benefits are not prorated.

Closure of Claimant's State Disability Assistance (SDA) was correct because she was no longer participating in an Michigan Rehabilitative Services (MRS) program. Closure of her Food Assistance Program (FAP) was correct in accordance with the policy cited above.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed Claimant's Food Assistance Program (FAP) case on June 1, 2012 and her State Disability Assistance (SDA) case on July 1, 2012.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHeld.

/s/
Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 23, 2012

Date Mailed: July 24, 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 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.

GFH/tb

cc:

