

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No.: 2007-25552
Issue No.: 1006/3009
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
September 12, 2007
Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on September 12, 2007. The Claimant personally appeared and testified.

ISSUES

Did the Department properly close the Claimant's Family Independence Program (FIP), and Food Assistance Program (FAP)?

FINDINGS OF FACT

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

1. On July 9, 2007, the Department received a new hire hit indicating that the Claimant was employed.

2. On July 19, 2007, the Department sent the Claimant a verification checklist and employment verification form to be filled out by her employer. All requested verifications were due by July 30, 2007. (Department's exhibit 1).
3. On August 1, 2007, the Department placed the Claimant's case into negative action, closing date August 14, 2007, after not receiving the requested verifications.
4. On August 1, 2007, the Department sent the Claimant benefit notices informing her that her FAP and FIP benefits would be cancelled. (Department's exhibits 2, 4 & 5).
5. On August 3, 2007, the Claimant filed a request for a hearing.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, et seq. The Department of Human Services (formerly known as the Family Independence Agency) administers the FIP program pursuant to MCL 400.10, et seq., and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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 (formerly known as the Family Independence Agency) administers the FAP program pursuant to MCL 400.10, et seq., and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the instant case, the Claimant provided information that her employment was a work-study program. The requested information has now been provided to the Department.

Timeliness of Verifications

All Programs (except TMAP)

Allow the client 10 calendar days (or other time limit specified in policy) to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit at least once. (PAM 130, p. 4).

Here, although the Department made attempts to contact the Claimant the Claimant's request for a hearing intervened and no extension of the time limit for providing the verifications was granted. The Verifications were due July 30, 2007 and the Claimant's cases were placed into negative action on August 1, 2007.

The Department now has been provided the information sought and has the ability to figure benefits based on that information.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to refigure the Claimant's budgets in light of the information provided and adjust her benefits accordingly.

/s/
Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 06/23/09

Date Mailed: 06/23/09

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.

MJB/jlg

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