

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: 2008-29897

Issue No: 3022, 2018

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 18, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 conducted from Detroit, Michigan on May 18, 2009. The Claimant appeared and testified. Ken Swiatkowski, FIM appeared for the Department.

ISSUE

Whether the Department properly closed the Claimant's MA and FAP cases?

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 FAP and MA recipient.
2. An annual review was scheduled for July 7, 2008.
3. The Department sent Claimant review papers 4/2/08 with a due date of 4/14/08.
(Exhibit 1, pp. 4-7).
4. Claimant failed to return any of the verifications requested.
5. Claimant testified that his address has not changed.

6. A review appointment was scheduled for 6/23/08. Claimant did not appear.
7. The Department resent the review packet on 7/23/08 for FAP and MA (after a hearing request was received) and it was not returned. (Exhibit 1, pp. 8-10).
8. Claimant testified that he sometimes stays with his sister in [REDACTED].
9. Claimant testified that he was on a lot of medication.
10. Claimant's MA spend-down closed 7/29/08. (Exhibit 1, p. 3)
11. Claimant's FAP certification ended on 7/31/08.
12. On July 21, 2008, the Department received the Claimant's hearing request protesting the termination of the FAP benefits. (Exhibit 3)

CONCLUSIONS OF LAW

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

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. PAM 105, p. 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. PAM 130, p. 1. Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. PAM 130, p. 4. If the client cannot provide the verification despite a reasonable effort, the time limit should be extended no more than once. PAM 130, p. 4. A negative action notice should be sent when the client indicates a refusal to

provide the verification or the time period provided has lapsed and the client has not made a reasonable effort to provide it.

In the record presented, Claimant did not make any reasonable attempts to provide the verification information. Claimant did not respond to the initial verification request or appear for the scheduled appointment. Nor did he respond to the second verification request which was sent after his hearing request was filed and to the same address listed on his hearing request. Claimant indicates that he was on pain medication and was staying with his sister, but Claimant was also very vague in terms of who collects his mail and how his finances are processed. This Administrative Law Judge questions whether Claimant made reasonable effort as required by PAM 130. Furthermore, the Department provided Claimant additional time to provide the information and Claimant still did not respond.

Therefore, it is found that the Department acted in accordance with department policy resulting in the proper closure of the Claimant's FAP benefits. Claimant is entitled to reapply for FAP benefits at any time.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly closed the Claimant's FAP and MA cases.

Accordingly, it is ordered that the Department's negative action and closure of Claimant's FAP case on 7/31/08 and MA spend-down on 7/29/08 are AFFIRMED.

/s/ _____
Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 05/28/09

Date Mailed: 05/28/09

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 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.

JV/dj

cc:

