STATE OF MICHIGAN STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

Claimant

Reg. No:2009-10127Issue No:3008Case No:IssueLoad No:IssueHearing Date:March 9, 2009Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

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

March 9, 2009. Claimant personally appeared and testified. A family independence manager

represented the Department of Human Services (Department).

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case for failure to provide employment verification?

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 a FAP benefits recipient. She received a monthly allotment of

2009-10127/TLW

(2) On October 23, 2008, the Department sent Claimant a Verification Checklist – DHS-3503 form, and an Employment Verification – DHS-38 form. (Exhibit 1). The checklist notified Claimant that the Employment Verification was due on November 3, 2008.

(3) Claimant did not seek an extension and did not ask her Department worker for assistance.

(4) Claimant completed the part of the form that she was able to complete and then provided it to her employer, **and the set of the**

(5) Claimant could not recall whether she or her employer was going to fax it to the Department.

(6) The Department did not receive the employment verification prior to the due date.

(7) Consequently, the Department closed Claimant's FAP case on December 18,

2008 for failure to provide the requested Employment Verification documentation. (Exhibit 3).

(8) Claimant disagreed with the Department's decision to close her case.

(9) The Department received Claimant's hearing request on December 27, 2008.

(Exhibit 2).

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 (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).

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According to PAM 105, clients must cooperate with the local office in determining initial and ongoing eligibility.

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 necessary forms. (PAM 105, p. 5)

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. (PAM 105, p. 5)

In this case, Claimant did not to comply with the Department's request for employment

verification. Although Claimant provided the form to her employer, she did not follow-up to

ensure that the form was completed and sent to the Department and she did not ask the

Department for assistance in getting the employer to complete the form. In addition, Claimant

could not recall whether she was going to fax the form to the Department or whether she had

asked the employer to do so. Despite her effort, Claimant still bore the responsibility of

cooperating with the Department's request to submit employment verification. She failed to do

so. Under these circumstances, it is found that the Department properly closed Claimant's FAP

case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department properly closed Claimant's FAP case.

Accordingly, the Department's FAP action is AFFIRMED.

/s/ Tyra L. Wright Administrative Law Judge for Ismael Ahmed, Director Department of Human Services

Date Signed: March 16, 2009

Date Mailed: March 16, 2009

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 of 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.

TW/dj



