

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.: 2009-15453  
Issue No.: 2012/3004  
Case No.:   
Load No.:   
Hearing Date:  
April 2, 2009  
Wayne County DHS (17)

ADMINISTRATIVE LAW JUDGE: Michael J. Benmane

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 April 2, 2009. The Claimant personally appeared and testified.

ISSUE

Did the Department properly deny the Claimant's Food Assistance (FAP) and medical Assistance (MA)?

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 January 25, 2009, the Claimant applied for FAP and MA.
2. On February 10, 2009, the Department denied the claimant's application after determining that the claimant was untruthful on his application.

3. On February 24, 2009, the Claimant requested a hearing.

### 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).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. 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 Department assisted the Claimant in filling out his application. The department also involved the office of the inspector general (OIG) in an attempt to show an intentional program violation (IPV).

During the hearing it became apparent to the undersigned that the aid given to the claimant in the effort to complete his application was inadequate. The claimant did not understand that he had to list all forms of income including unemployment compensation. This lack of understanding is directly attributable to a language barrier.

The department denied the claimant's application because he filled out the application he answered that he was renting. The department produced evidence that purported to show that he was in fact the owner of a home.

The "evidence" provided by the OIG is specious. The claim that the claimant owns his own home is totally without any foundation whatsoever. At the hearing the OIG agent was asked how the evidence produced showed that the claimant owned a home and he was unable to do so. The other irregularities can be directly attributed to the language barrier.

The department denied his FAP and MA "because he did not report his income and the ownership of his home."

### **Responsibility to Cooperate**

#### **All Programs**

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms. See "**Refusal to Cooperate Penalties**" in this section.

Clients must completely and truthfully answer all questions on forms and in interviews. (PAM 106, p.5).

Here, the department had no valid evidence that the claimant had not answered all questions truthfully. The department erred in denying the claimant's FAP and MA.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES and ORDERS the Department to re-register the claimant's FAP and MA and to assist the claimant properly in the completion of his application. Furthermore, the Department is ORDERED to calculate the claimant's FAP and MA benefits, if any, and replace any lost benefits, if applicable.

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

Date Signed: 04/28/09

Date Mailed: 04/29/09

**NOTICE:** The law provides that within 30 days of receipt of the above Decision and Order, the respondent may appeal it to the circuit court for the county in which he/she lives.

MJB/jlg

cc:

