

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: 2009-17651
Issue No: 3008
Case No: ██████████
Load No: ██████████
Hearing Date:
May 5, 2009
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 telephone hearing was conducted from ██████████ on May 5, 2009.

ISSUE

Whether the Department properly closed Claimant's FAP case based upon his failure to provide requested verification(s)?

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 recipient.
- (2) On February 2, 2009, the Department reviewed an AFF Report and other information sources which indicated that Claimant had earned income which he had not reported to the Department. (Exhibits 3,4,5)

(3) On February 18, 2009, the Department attempted to contact Claimant by telephone given that the income was very irregular and to otherwise inquire about his employment, but was not able to contact him. (Exhibit 6)

(4) On March 4, 2009, the Department mailed a Michigan Department of Human Services (DHS) Verification Checklist – DHS 3503 and a Verification of Employment – DHS 38 for two employers. (Exhibit 2)

(5) Claimant testified that he took the forms to each of the employers, but was informed by both that they would have to be sent directly to the employer by the Department. He testified that he left a note in the drop off box at the Department to this effect on the same day.

(6) On March 17, 2009, the Department sent a Notice of Case Action to Claimant informing him that his FAP benefits would be cancelled effective March 31, 2009. (Exhibit 1)

(7) On March 24, 2009, the Department received the DHS 3503 and two DHS 38s forms it sent Claimant through the mailroom in the envelope sent to Claimant, but there was no note and the forms were not filled out.

(8) On March 24, 2009, the Department received the Claimant's hearing request protesting the cancellation of his FAP benefits.

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 A collateral contact is a direct contact with a person, organization of agency to verify information from the client. PAM 130, p. 2 When documentation is not available, or clarification is needed, collateral contact may be necessary. PAM 130, p. 2 Client’s 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 Clients are allowed a reasonable opportunity to resolve any discrepancy between statements and information obtained through another source. PAM 130, p. 6 Disagreements and misunderstandings should be resolved at the lowest possible level to avoid unnecessary hearings. PAM 600, p. 11 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 instant case, Claimant did not report to the Department that he started working. The Department discovered it and sent him documents to verify his income. There is no dispute that Claimant did not return the required information to the

Department. The DHS 3503 clearly instructs Claimant to call the Department if he had any questions or problems getting the proofs and that the Department would also provide assistance if requested. It also states that a failure to return the proofs or call by the due date could result in his benefits being cancelled.

With the above said, I do not find that Claimant made a reasonable effort to provide the information requested by the Department. Claimant should have timely returned completed documents to the Department or called if he had any questions. Claimant did not do so and there is no evidence that the Department ever received a note from Claimant in this regard.

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 case.

Accordingly, the Department's FAP eligibility determination is AFFIRMED.

/S/

Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 12, 2009

Date Mailed: May 14, 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 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.

2009-17651/smb

SMB/db

cc:

