

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: 2009-30453
Issue No: 1005, 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 31, 2009
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 Detroit, Michigan on August 31, 2009. The Claimant and her mother, [REDACTED], appeared and testified. Judy Windrim, FIM, appeared on behalf of the Department.

ISSUE

Whether the Department properly closed claimant's Food Assistance Program (FAP) and Family Independence Program (FIP) benefits for failure to attend an in-person interview and return requested verifications.

FINDINGS OF FACT

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

1. Claimant applied for FAP and FIP benefits on April 20, 2009.

2. The department, in err, opened the FAP benefits without the required in-person interview.
3. On June 5, 2009, the department issued an Appointment Notice for an in person meeting for June 15, 2009. (Department Exhibit 1 p. 2)
4. On June 5, 2009, the department issued a Verification Checklist requesting proof of the pregnancy with a due date of [REDACTED]. (Department Exhibit 1 pg. 3)
5. Claimant did not attend the meeting and testified she never received the Appointment Notice or Verification Checklist in the mail.
6. Claimant moved in June 2009.
7. On June 16, 2009, the department closed claimant's FAP benefits case and denied the FIP benefits for failure to attend the in-person interview and return the requested verifications. (Department Exhibit 1 pgs. 4-8)
8. Claimant requested a hearing on June 16, 2009 to contest the closure of the FAP benefits and denial of the FIP application.

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 Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Program Reference Manual ("PRM").

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 (DHS or Department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependant Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference manual (PRM).

The department is required to conduct an in-person interview at application before approving FAP and FIP benefits. BAM 115. Under BAM 105, clients must cooperate with the local office in determining initial and ongoing eligibility. The department is to request verification when information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. BAM 130. The department is to allow 10 days to provide the verification requested and a negative action notice is to be sent when the client indicates refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130. Clients must also report changes, including changes of address and shelter cost changes that result from the move, within 10 days. BAM 105.

In the present case, the department erred in approving the FAP benefits from the April 20, 2009 application before an in-person interview was scheduled. On June 5, 2009 the department issued an Appointment Notice to claimant to attend an in-person interview on June 15, 2009 and a Verification Checklist to provide proof of the pregnancy with a due date of June 15, 2009.

Claimant testified she never received the Appointment Notice or Verification Checklist in the mail, likely because she was moving in the month of June 2009. Claimant could not

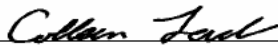
remember the dates, but testified she did not notify the department of her June 2009 move until some time in July 2009. Claimant and her mother also testified that a change of address request was never with the post office to have claimant's mail forwarded.

Based upon the foregoing facts and relevant law, it is found that the department properly closed claimant's FAP case and denied the FIP application when claimant did not respond to the Appointment Notice or Verification Checklist. The department issued the notices to claimant's old address but claimant had not notified the department that she moved.

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 benefits and denied the FIP application for failure to attend an in-person interview and return requested verifications.

Accordingly, the department's FAP and FIP eligibility determinations are AFFIRMED.



Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/28/09

Date Mailed: 09/29/09

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.

2009-30453/CL

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.

CL/dj

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