

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.: 2009-30719
Issue No.: 3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
August 26, 2009
Wayne County DHS (57)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 held on August 17, 2009. The Claimant appeared and testified. [REDACTED] FIM and [REDACTED] JET case manager appeared on behalf of the Department.

ISSUE

Did the Department properly calculate claimant's FAP benefit for July 2009 pursuant to a semi-annual review when they failed to include her shelter expenses?

FINDINGS OF FACT

- (1) Claimant was sent a semi-annual contact report requesting verifications pursuant to a semi-annual review for his FAP benefits on May 7, 2009. This report was due May 26, 2009. A notice of an interview was also sent with this notice. (Exhibit 1, p.3)
- (2) Claimant failed to appear at the May 26, 2009 interview and failed to provide the requested information.

- (3) Claimant called to reschedule the appointment and the appointment was scheduled for June 2, 2009. Verifications were given to claimant at the interview with a due date of June 12, 2009. Claimant testified that she provided a copy of her lease at this meeting. The department did not have a copy of the lease and denied that it was provided.
- (4) FAP benefits were budgeted on June 20, 2009 with no shelter expenses. The benefit was calculated for \$158 for July 2009.
- (5) Verifications were submitted on July 2, 2009, verifying shelter expenses and utility expenses. The FAP benefits were rebudgeted on July 7, 2009 with an effective date of August 1, 2009.
- (6) Claimant requested hearing on July 21, 2009 requesting review of her July 2009 FAP benefit.
- (7) At hearing both parties agreed that the July 2009 benefit was the only month in dispute.

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 provide verification. PAM 130, p. 1. The questionable information might be from the client or a third party. Id. The Department can use documents, collateral contacts or home calls to

verify information. Id. The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. PAM 130, p.4; PEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. PAM 130, p. 4. Before making an eligibility determination, however, the department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. PAM 130, p. 6.

In the present case, a significant factual dispute arose regarding whether claimant submitted a copy of her lease at the June 2, 2009 meeting with her worker. Claimant testified she provided a copy of her lease, the department worker denied the lease was submitted. Regardless of whether the lease was submitted, shelter verification was given to the claimant with a due date of June 12, 2009 at that meeting. Claimant agreed to provide the verification within a few days. The verification was not submitted until July 2, 2009 and claimant had no contact with the department between June 2 and July 2. This Administrative Law Judge finds that verification requirements were not met by the claimant and the budget completed by the department for July 2009 that did not include shelter expenses for the claimant was proper and correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the department was correct in the determination of FAP benefits, and it is ORDERED that the department's decision in this regard be and is hereby AFFIRMED.

/s/

Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/03/09

Date Mailed: 09/03/09

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 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.

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