STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: ████████████████████   Reg No: 2009-32840
                                            Issue No: 3008
                  Claimant,   Case No: █████████
                                            Load No: █████████
                                            Hearing Date:
                                            September 10, 2009
                                            Cass 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 September 10, 2009.

ISSUE

Whether the Department properly terminated Claimant's Food Assistance Program (FAP) case based upon her 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)   On June 4, 2009, Claimant applied for FAP benefits.

(2)   On June 4, 2009, the Department gave Claimant a Verification Checklist, DHS-3503, with a due date of June 12, 2009. The Department requested that Claimant provide verification of her husband's earnings at ███████████████████.

(3)   On June 12, 2009, Claimant returned her application materials and her verification(s) including a check stub from ██████████████████████ and a handwritten note asking whether she had provided everything she needed to provide for her application to be processed.

(4)   On July 17, 2009, the Department mailed Claimant a Notice of Case Action informing her that her application for FAP benefits was denied for not complying with its verification request because it requested a letter of verification of amount expected to receive. (Hearing summary and Exhibits 6-11)

(5)   On August 3, 2009, the Department received Claimant's hearing request protesting the denial of her application for FAP benefits.

(6)   The Department did not include the verification checklist, check stub or Claimant's handwritten note as exhibits for hearing nor did it forward the documents after hearing as requested by the undersigned.

(7)   On March 10, 2008, Claimant suffered a brain injury. The Department was aware of Claimant's injury and her difficulties with memory and other cognitive skills.

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 (DHS or department), 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 Bridges Reference Manual (BRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105, p. 5 Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130, p.1 Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as local office option or information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. BAM 130, p.1 The Department uses documents, collateral contacts or home calls to verify information. BAM 130, p.1 A collateral contact is a direct contact with a person, organization or agency to verify information from the client. BAM 130, p. 2 When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130, p. 2

Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the verifications requested by the Department. BAM 130, p. 4 If the client cannot provide the verification despite a reasonable effort, the time limit should be extended no more than once. BAM 130, p. 4 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. BAM 130, p.4

Clients are allowed a reasonable opportunity to resolve any discrepancy between statements and information obtained through another source. BAM 130, p. 6 Disagreements and misunderstandings should be resolved at the lowest possible level to avoid unnecessary hearings. BAM 600, p. 11

In the instant case, Claimant returned a paystub from her husband's employment with ████████████████████. She attempted to verify that the Department had everything it needed to process her application by attaching a handwritten note to her application and verification materials when she dropped them off with the Department prior to the due date. With that said, Claimant made a reasonable attempt to provide the requested information especially in light of her medical issues. As such, I do not find that the Department established that it acted in accordance with policy in terminating Claimant's FAP case based on her failure to provide requested verifications.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, does not find that the Department acted in accordance with policy in terminating Claimant's FAP case based on her failure to provide requested verifications. Accordingly, the Department's FAP eligibility determination is REVERSED, it is SO ORDERED. The Department shall:

1)   Grant Claimant additional time to provide necessary verifications, if needed, and then process Claimant's FAP application using the original application date.

2)   Issue Claimant supplemental benefits she is entitled to, if any.

3)   Notify Claimant in writing of the Department's revised determination.

4)   Claimant retains the right to request a hearing if she would like to contest the Department's revised determination.

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

Date Signed: __September 15, 2009__

Date Mailed: __September 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 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.

SMB/db

cc: