

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: 2009-33249

Issue No: 3008

Case No:

Load No:

Hearing Date:

September 16, 2009

Genesee 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 [REDACTED] on September 16, 2009.

ISSUE

Whether the Department properly computed the Claimant's Food Assistance Program (FAP) allotment?

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 June 30, 2009, the Department received Claimant's Semi-Annual Contact Report, but did not receive all necessary proofs.

(3) On July 20, 2009, the Department received a Verification of Employment, DHS-38, which was completed and signed by Claimant's employer on July 20, 2009.

(Exhibits 1-3)

(4) Claimant received [REDACTED] in FAP benefits in June and July and [REDACTED] in August 2009.

(5) On August 12, 2009, the Department received Claimant's hearing request requesting a FAP supplement for July 2009.

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

The Department must act on a change reported by means other than tape match within 10 days after it becomes aware of the change. Changes which result in an increase in the household's benefits must be effective no later than the first allotment issued 10 days after the date the change was reported, provided any necessary verification was returned by the due date. A supplemental issuance may be necessary in some cases. If necessary verification is not returned by the due date, the Department should take the appropriate action based on what type of verification was requested. If verification is returned late, the increase must affect the month after verification is returned. BAM 220, p. 5-6

In the instant case, Claimant's FAP benefits were not terminated or reduced, rather, Claimant received a substantial increase in benefits in August 2009. Claimant does not dispute the amount of her August FAP benefits. Claimant's position is that she should have received the increase in July rather than August due to a decrease in her child support based on what she was told by various Department workers.

The Department provided little documentation at hearing. The Department was asked provide additional proofs after hearing including 1) Claimant's benefits during the months in question, 2) the Semi-Annual Contact Report, 3) the Notice of Case Action, 4) the Verification Checklist and 5) any information about a change in Claimant's child support, but failed to do so despite a second request.

With the above said, and based on the testimony and documentary evidence offered at hearing, I find that the Department established that it acted in accordance with policy in computing Claimant's FAP allotment. There is no dispute that Claimant's required income proofs were not returned to the Department until July 20, 2009 so the increase in her FAP benefits would not take effect until August 1, 2009.

If Claimant had a change in child support benefits that she reported to the Department during the time period in question that she believes should have resulted in a larger benefit award or one that should have been awarded in an earlier month, she may file a request for hearing 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 acted in accordance with policy in computing Claimant's FAP allotment.

Accordingly, the Department's FAP eligibility determination is AFFIRMED, it is SO ORDERED. If Claimant had a change in child support benefits during the time period in question that she believes should have resulted in a larger benefit award or one that should have been awarded in an earlier month, she may file a request for hearing in this regard.

/S/

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

Date Signed: September 21, 2009

Date Mailed: September 22, 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 90 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:

[REDACTED]