

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.: 2009-34611
Issue No.: 3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
October 5, 2009
Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon claimant's request for a hearing. After due notice a telephone hearing was held on October 5, 2009 claimant was present and testified, [REDACTED] case worker appeared for the department and testified.

ISSUE

Was the department correct in closing claimant's FAP benefits as of August 11, 2009?

FINDINGS OF FACT

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

- (1) Claimant was a FAP recipient.
- (2) A verification checklist was sent to claimant on July 13, 2009 with a July 23, 2009 due date requesting income records and employment verification for [REDACTED] and her son and household member [REDACTED].
- (3) Claimant provided verification of her employment and payroll records on July 20, 2009.

- (4) Verification of employment for [REDACTED] was submitted on July 20, 2009. No pay records were submitted at that time for [REDACTED]
- (5) The Department closed FAP benefits for failure to cooperate when they did not receive the pay records for [REDACTED].
- (6) Claimant requested hearing on August 13, 2009 contesting closure of 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 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, claimant submitted her employment verification and pay records in a timely manner. The employment verification for her son [REDACTED] was also submitted timely. Claimant testified that her worker told her that the submission of the employment verification was adequate, and that pay stubs were not necessary. Claimant testified that it was not feasible to get pay records for her son because he had closed out his bank account. This administrative law judge is satisfied that claimant made a reasonable effort to provide the requested verifications and thus cannot find that she was not cooperative. Therefore the closure of benefits was improper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the department was incorrect in the closure of FAP benefits, and it is ORDERED that the department's decision in this regard be and is hereby REVERSED and claimant's benefits shall be reinstated retroactive to the closure.



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

Date Signed: 10/26/09

Date Mailed: 10/26/09

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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