

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████
Claimant,

Reg No: 2009-34652
Issue No: 3008
Case No: ██████████
Load No: ██████████
Hearing Date:
October 27, 2009
Kalamazoo 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 October 27, 2009.

ISSUE

Whether the Department properly denied Claimant's application for Food Assistance Program (FAP) benefits 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 15, 2009, Claimant applied for FAP benefits.

(2) On June 17, 2009, the Department mailed Claimant an Appointment Letter which listed the documentation that she needed to bring with her to the appointment.

(Exhibit 2)

(3) On June 25, 2009, Claimant failed to appear for her appointment.

(Exhibit 3)

(4) On June 25, 2009, the Department mailed Claimant a Missed Appointment Letter. (Exhibit 4)

(5) On June 30, 2009, Claimant contacted the Department and stated that she was unsure if she would to continue with her FAP application. The Department informed Claimant that she needed to provide certain documentation to continue existing MA coverage.

(6) On July 15, 2009, Claimant faxed a copy of her husband's out of state identification (which her husband had faxed to her) which was not readable to the Department. (Exhibit 5)

(7) On July 18, 2009, the Department mailed Claimant a Notice of Case Action informing her that her application for FAP benefits had been denied for failure to provide verification. (Exhibit 7)

(8) On July 24, 2009, the Department received Claimant's hearing request protesting the denial of her FAP application. (Hearing Request)

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

In the instant case, the question comes down to whether Claimant made a reasonable effort to provide the Department with the information necessary to make a decision on her FAP application. While I understand that the only document at issue is Claimant's husband's ID, a copy of which Claimant faxed to the Department, I cannot find that Claimant made a reasonable effort under the circumstances in this matter.

Initially, Claimant missed her appointment date and then informed the Department a couple weeks later that she was considering not following up on her FAP application. Claimant then faxed a copy of her husband's ID to the Department three weeks after missing her appointment. The document Claimant sent to the Department was a copy of the ID that was faxed to her by her husband which she, in turn, faxed to the Department. The result was an unreadable document to the Department. Claimant testified that she also hand delivered a copy to the Department, but the Department, after a search, could not find the document(s) nor could it find a log in sheet bearing her signature on any of the dates around the date that she faxed it. The end result is that the Claimant did not produce the verifications requested by the Department and her FAP application was denied.

With the above said, I find that the Department established that it acted in accordance with policy in denying Claimant's FAP application.

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 denying Claimant's FAP application.

Accordingly, the Department's FAP eligibility determination is AFFIRMED, it is SO ORDERED.

/s/

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

Date Signed: November 4, 2009

Date Mailed: November 5, 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:

