

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: 2009-35353

Issue No: 3008

Case No:

Load No:

Hearing Date:

October 20, 2009

Washtenaw 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 October 20, 2009.

ISSUE

Whether the Department properly denied Claimant's application for Food Assistance Program (FAP) and Family Independence Program (FIP) 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 July 20, 2009, Claimant applied for FAP and FIP benefits. (Exhibit 6)

(2) On July 30, 2009, the Department mailed Claimant a Verification Checklist, DHS-3503, and Verification of Employment, DHS-38, with due dates of August 10, 2009. (Exhibit 7)

(3) On August 14, 2009, the Department met with Claimant and gave her a 2nd Verification of Employment, DHS-38, with a due date of August 24, 2009 because Claimant did not understand that she had to have it filled out by her employer and returned to the Department. (Exhibit 5)

(4) On August 14, 2009, the Department received a 7-24-09 check stub from Claimant's boyfriend, [REDACTED], and the Department explained that he would need to provide his 8-7-09 check stub also because it needed 30 days worth of check stubs. (Exhibit 3)

(5) On August 27, 2009, the Department received the Verification of Employment, DHS-38, but the employer section was not filled out and/or signed by the employer. It also received an 8-21-09 check stub from [REDACTED]. (Exhibits 2, 4)

(6) On August 27, 2009, the Department received Claimant's hearing request protesting the denial of her FAP and FIP application(s). (Exhibit 1)

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, Claimant did not have a Verification of Employment, DHS-38, filled out and returned by the due date because she did not understand that she needed to do so. The Department gave her another form which was returned without the employer

section filled in and/or signed. Under these circumstances, I do not find that Claimant made a reasonable effort to provide the requested information.

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

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 FIP and FAP application(s). Accordingly, the Department's FAP and FIP eligibility determination(s) are AFFIRMED, it is SO ORDERED.

/S/

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

Date Signed: October 22, 2009

Date Mailed: October 26, 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:

[REDACTED]