

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: 2009-35440
Issue No: 1010, 1021
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 12, 2009
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's timely request for hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on October 12, 2009. The Claimant appeared and testified. Matt Macinski, Assistant Payment Supervisor, appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's FAP case for failure to timely turn in verifications?

Whether the Department processed Claimant's application in a timely manner?

FINDINGS OF FACT

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

1. The Claimant applied for FAP benefits on 3/17/09.

2. Claimant testified that she called numerous times trying to reach her assigned caseworker and left messages regarding her FAP application but never received a return phone call. Claimant also presented to the local Department office several times, but was not allowed to speak with anyone other than the receptionist at the front desk.
3. The Department mailed a Verification Checklist dated 7/23/09 to Claimant with a due date of 8/3/09. (Exhibit 3).
4. Claimant testified that she received the verification checklist just before the due date. As proof, Claimant submitted a copy of an envelope from the Department postmarked 7/30/09. (Exhibit 4).
5. Claimant testified that she submitted her verifications as soon as she possible could, on 8/17/09, after gathering information on twelve (12) people.
6. On 8/19/09, the Department issued a negative action and denied Claimant's application for FAP benefits for failure to submit verifications.
7. On August 24, 2009 the Department received the Claimant's hearing request protesting the denial of the 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 include the completion of the necessary forms. PAM 105, p. 5. Verification means documentation or other evidence to establish the accuracy of the client’s verbal or written statements. PAM 130, p. 1. Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. PAM 130, p. 4. If the client cannot provide the verification despite a reasonable effort, the time limit should be extended no more than once. PAM 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.

The Department is required to process applications within the standard of care set forth in the applicable regulations. The standard of care for FAP benefits is 30 days for non expedited cases. PAM 115, p. 12. The undersigned finds that the Department failed to process Claimant’s FAP application within the specified standard of care.

In the record presented, Claimant testified credibly that she did not receive any notice of a verification request until August of 2009 – four months after her initial application. Furthermore, Claimant did not receive the verification checklist until almost the deadline as it was postmarked a week after the mail date. Claimant did not refuse to provide information to the Department. In fact, Claimant provided the proofs shortly after receiving the notice. Therefore, this Administrative Law Judge finds that the Department did not give Claimant proper notice of verifications required as Claimant did not have 10 days to respond to the verification request. This delay in receiving the verification checklist constitutes good cause for Claimant submitting

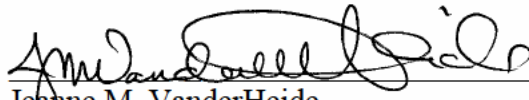
her verifications untimely. Accordingly, it is found that the Department failed to act in accordance with department policy resulting in the improper closure of the Claimant's FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department failed to process Claimant's FAP application within the specified standard of care and improperly closed the Claimant's FAP case.

Accordingly, it is ORDERED:

1. The Department's decision to close Claimant's 3/17/09 FAP application is REVERSED.
2. The Department shall reopen, as of the date of closure, and reprocess the Claimant's 3/17/09 FAP application.
3. The Department shall supplement the Claimant for any lost benefits she was otherwise entitled to receive.



Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/13/09

Date Mailed: 11/17/09

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.

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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.

JV/dj

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