

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: 2009-4978
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 22, 2009
Kent 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 the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Kalamazoo, Michigan on January 22, 2009.

ISSUE

Whether the Department properly denied Claimant's application for FAP benefits based upon the Claimant's 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. Claimant was a FAP recipient.
2. Claimant applied for Food Assistance on September 23, 2008 after her case closed August 31, 2008 due to her failure to return her semi-annual contact report. (Exhibit 4)
3. The Department testified that a Verification Checklist, DHS-3503, was mailed out to Claimant on or about October 13, 2008 with a due date of October 23, 2008. (Exhibit 2)

4. Claimant did not respond to the Verification Checklist by the October 23, 2008 due date so her FAP application was denied on October 24, 2008. (Exhibit 1)

5. Claimant testified that she did not receive the Verification Checklist until October 24, 2008. She testified that she attempted to contact the Department, but did not respond to the Verification Checklist because it was already past the due date.

6. The Department testified that it attempted to contact Claimant on several occasions without success. (Exhibit 5)

7. On November 13, 2008 the Department received the Claimant's hearing request protesting the closing of her FAP case.

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. A collateral contact is a direct contact with a person, organization or agency to verify information from the client. PAM 130, p. 2. When documentation is not available, or clarification is needed, collateral contact may be necessary. PAM 130, p. 2. Client's 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. Clients are allowed a reasonable opportunity to resolve any discrepancy between statements and information obtained through another source. PAM 130, p. 6. 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.

In the instant case, Claimant did not respond to the Department's request for information. The Department testified that the request was mailed out at least 10 days before the due date. I don't know why Claimant would not have received the Verification Checklist until a day after the due date, but there is no dispute that she did not provide the Department with the requested information once she received the document.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly closed the Claimant's FAP case.

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

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

Date Signed: January 28, 2009

Date Mailed: February 19, 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

cc:

