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:　　2009-5136
Issue No:　　3008
Case No:　　████████
Load No:　　████████
Hearing Date:
January 15, 2009
Allegan 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 15, 2009.

ISSUE

Whether the Department properly closed the Claimant's FAP case 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.　　　On September 3, 2008, the Department sent Claimant a Semi-Annual Contact Report, DHS-1046. (Exhibit 12)

3.   Claimant returned an incomplete DHS-1046 to the Department on ███████

██████ given that she failed to comply with the requirements for proof of income. Claimant only

sent in a one week paystub instead of the prior 30 days. (Exhibit 14)

4.   Claimant testified, in sum and substance, that the Department simply could have

contacted her to let her know what she was missing and she would have corrected it. The

Department testified that it twice attempted to call Claimant on ███████████. Claimant

testified that it was done at a time when the Department should have known that she was not

going to be home and she previously attempted to call the Department several times.

5.   Claimant's FAP case was closed on October 31, 2008 as a result of her failure to

provide the required documentation for the Semi-Annual Contact Report.

6.   On November 14, 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 of 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 Disagreements and misunderstandings should be resolved at the lowest possible level to avoid unnecessary hearings. PAM 600, p. 11 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 semi-annual mid-certification contact must be completed by the sixth month of the benefit period and a budget completed, if applicable, to effect benefits no later than the seventh month's benefits. The contact is met by receipt of a completed DHS-1046 and required verifications from the client or the client's authorized representative. If the client fails to return a complete Semi-Annual Contact Report by the last day of the sixth month, the client's case will automatically close. PAM 210, p.5, 6.

In the instant case, the Claimant received the Semi-Annual Contact Report and promptly returned it, but did not meet the necessary requirements for proof of income. The document clearly states that "You must include current proof of all income your household received for the past 30 days …." Claimant simply did not do so. I understand her frustration with the fact that she could have rectified the situation with a simple phone call from the Department. In a perfect

world, that would be the case. However, it is not a perfect world. Given the Department's caseload, it neither has the time nor the requirement to contact individuals regarding incomplete verifications. With the above said, I find that the Department acted in accordance with policy.

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: February 5, 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 cannon 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: