

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: 2009-5182

Issue No: 3008

Case No: ██████████

Load No: ██████████

Hearing Date:

January 15, 2009

Genesee 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 30, 2008, the Department sent Claimant a Verification Checklist, DHS-3503, due to the Department receiving an ██████████ showing that Claimant's unemployment benefits had ended. (Exhibits 1-4)

3. Claimant did not respond to the Verification Checklist by the October 10, 2008 due date.

4. Claimant testified that he received the documents on October 7, 2008, but he did not have any real information to give the Department because he was not employed and he had filed for an extension of benefits, but had not heard anything in this regard. Claimant also testified that he did return to the Department, but his benefits had already ceased a few days earlier. He testified that he was in [REDACTED] for about [REDACTED] days for a potential job, but it was prior to October 12, 2008.

5. The Department testified that Claimant called shortly after his case closed and stated that he had been out of town and did not know why his case closed.

6. On November 19, 2008 the Department received the Claimant's hearing request protesting the closing of his 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.

In the instant case, Claimant did not respond to the Department's request for information. I think Claimant may have been off on his dates, but he was either in town and did not provide the information or he was out of town for a certain period of time, but this does not terminate his responsibility to timely respond. Claimant should have reported exactly what his circumstances were – he did not have a job and had filed for an extension of his unemployment benefits, but had not heard anything on it.

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 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:

[REDACTED]