

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: 2009-10127

Issue No: 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 9, 2009

Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

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 hearing was held on March 9, 2009. Claimant personally appeared and testified. A family independence manager represented the Department of Human Services (Department).

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case for failure to provide employment verification?

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 benefits recipient. She received a monthly allotment of [REDACTED].

(2) On October 23, 2008, the Department sent Claimant a Verification Checklist – DHS-3503 form, and an Employment Verification – DHS-38 form. (Exhibit 1). The checklist notified Claimant that the Employment Verification was due on November 3, 2008.

(3) Claimant did not seek an extension and did not ask her Department worker for assistance.

(4) Claimant completed the part of the form that she was able to complete and then provided it to her employer, [REDACTED], to complete.

(5) Claimant could not recall whether she or her employer was going to fax it to the Department.

(6) The Department did not receive the employment verification prior to the due date.

(7) Consequently, the Department closed Claimant's FAP case on December 18, 2008 for failure to provide the requested Employment Verification documentation. (Exhibit 3).

(8) Claimant disagreed with the Department's decision to close her case.

(9) The Department received Claimant's hearing request on December 27, 2008. (Exhibit 2).

#### 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 (formerly known as the Family Independence Agency) administers the FAP program pursuant to MCL 400.10, et seq., and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

According to PAM 105, clients must cooperate with the local office in determining initial and ongoing eligibility.

**CLIENT OR AUTHORIZED REPRESENTATIVE  
RESPONSIBILITIES**

**Responsibility to Cooperate All Programs**

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms. (PAM 105, p. 5)

**Refusal to Cooperate Penalties**

**All Programs**

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. (PAM 105, p. 5)

In this case, Claimant did not to comply with the Department's request for employment verification. Although Claimant provided the form to her employer, she did not follow-up to ensure that the form was completed and sent to the Department and she did not ask the Department for assistance in getting the employer to complete the form. In addition, Claimant could not recall whether she was going to fax the form to the Department or whether she had asked the employer to do so. Despite her effort, Claimant still bore the responsibility of cooperating with the Department's request to submit employment verification. She failed to do so. Under these circumstances, it is found that the Department properly closed Claimant's FAP case.

**DECISION AND ORDER**

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

