

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: 2009-13349
Issue No: 3019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 19, 2008
Wayne 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 19, 2009. Claimant personally appeared and testified. The Department was represented by an eligibility specialist.

ISSUE

Did the Department act properly in closing Claimant's Food Assistance Program (FAP) case on the grounds that she failed to timely submit a New Hire Report?

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 is a FAP recipient. She received [REDACTED] in monthly benefits.
- (2) Claimant began working part-time at a [REDACTED] in [REDACTED] on November 21, 2008.

- (3) On January 12, 2009, the Department requested that Claimant provide a New Hire Report by January 19, 2009. (Exhibit 4).
- (4) Upon receiving the New Hire Report, Claimant began calling her Department worker to inform her that she needed additional time to obtain check stubs to attach to the report. The Department worker did not return her calls.
- (5) Claimant's employer signed the New Hire Report on January 18, 2009. (Exhibit 5).
- (6) The Department received the New Hire Report after the January 23, 2009.
- (7) The Department closed her FAP case on February 3, 2009 on the grounds that she did not timely submit the New Hire Report.
- (8) Claimant disagreed with the Department because she had repeatedly called her Department worker prior to January 19, 2009 to report to the worker that she needed a few more days to find her check stubs.
- (9) The Department received Claimant's hearing request on January 26, 2009. (Exhibit 1).

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).

DEPARTMENT POLICY

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Obtain verification when:

Required by policy. PEM items specify which factors and under what circumstances verification is required.

Required as a local office option. The requirement **must** be applied the same for every client. Local requirements may **not** be imposed for MA, TMA-Plus or AMP without prior approval from central office.

Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party. (PAM 130, pg. 1)

Obtaining Verification

All Programs

Tell the client what verification is required, how to obtain it, and the due date (See “Timeliness Standards” in this item). (PAM 130, pg. 2).

Assisting the Client

All Programs

The local office must assist clients who ask for help in completing forms (including the DCH-0373-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or **not** fluent in English.

The poster, DHS Publication 478, Help Is Available, must be displayed in the local office lobby. A section of the application form has the same title and information. These documents tell clients that DHS must help persons fill out the application when requested.

Under PAM 130, when verification is sought, the client must be told “what verification is required, how to obtain it and the due date.” In addition, under PAM 105, the Department has a responsibility to assist clients in obtaining verification when help is requested. Consequently, it

is found that Claimant acted promptly and reasonably in attempting to get help. The Department worker, however, did not respond to her phone calls. The completed New Hire Report (Exhibit 5) signed by the employer on January 18, 2009 is consistent with Claimant's testimony that she was attempting to timely respond to the Department's request but needed a few additional days to get the requested check stubs. Under these circumstances, it is found that the Department acted improperly in closing Claimant's case on the grounds that she did not timely submit a New Hire Report.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department improperly sanctioned Claimant by closing the FAP case.

Accordingly, the Department's action is REVERSED. The Department is ORDERED to reopen Claimant's FAP case and issue any retroactive FAP benefits that she would have received during the time her case was improperly closed.

/s/ _____
Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 03/26/09

Date Mailed: 03/31/09

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.

TW/dj

cc:

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