

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: 2009-16659

Issue No: 3005

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 22, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 has conducted from Detroit, Michigan on April 22, 2009. The Claimant appeared and testified. Jeniece Thomas, FIM and Dorothy Hinton, Eligibility Specialist appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's FAP case based upon his failure to provide documentation and verification for recertification.

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds a material fact:

1. The Claimant was a FAP recipient.

2. On 1/27/09, the Department mailed out a review packet which included a verification checklist indicating that Claimant had an interview on February 13, 2009. Exhibit 1, p. 4.
3. Claimant testified that he did not see the two places on the verification checklist that required him to attend an interview. Claimant did not attend the 2/13/09 interview.
4. Claimant turned in some verifications and part of the filled out application on 2/12/09.
5. The Department indicated that a DHS 254 (Notice of missed interview) was mailed to client; however, it was not produced as evidence.
6. Claimant testified that he believed since he turned in his forms timely that his review was complete.
7. Claimant also testified that he was unaware that he missed the interview until his food stamps were not credited in March of 2008.
8. Claimant testified that no one ever contacted him by telephone regarding an interview. Claimant further testified that he has voicemail and he never received a message from the Department.
9. On February 28, 2009, the Claimant's FAP case was closed.
10. On March 20, 2009, the Department received the Claimant's Request for Hearing protesting the cancellation of his FAP benefits.

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. If neither the client nor the Department is able to obtain verification despite reasonable effort, the Department should use the best available information. PAM 130, p. 3. If no evidence is available, the Department should use its best judgment. PAM 130, p. 3. 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. 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. PAM 130, p. 4. Before determining eligibility, the client must be afforded a reasonable opportunity to resolve any discrepancy between statements made and information obtained from another source. PAM 130, p. 6.

FAP benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is entered. PAM 210 at p. 1. All adult program group members who are physically able, must be interviewed and must sign and date the application. PAM 210, p. 8. If the client misses the interview, the Department shall send a DHS-254, Notice of Missed Interview. Id. The group loses their right to uninterrupted FAP benefits if they fail to attend the scheduled interview, or submit verifications timely. PAM 210, p. 14. If there is no refusal to

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.

JV/dj

cc:

