

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: 2009-17490

Issue No: 3008

Case No:

Load No:

Hearing Date:

May 5, 2009

Kalamazoo 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 Claimant's request for a hearing. After due notice, a telephone hearing was conducted from [REDACTED] on May 5, 2009.

ISSUE

Whether the Department properly closed Claimant's FAP case based upon his 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) On February 19, 2009, the Department received an expedited application requesting food and medical assistance. At the interview, the Department gave Claimant a Verification of Employment, DHS-38, to have his previous employer verify that his job had ended. After the interview, a Michigan Department of Human Services (DHS)

Verification Checklist, DHS-3503, and Self-Employment Income and Expense Statement, DHS 431, were mailed to Claimant in regard to his report of making plasma donations and receiving money from his mother. (Exhibits 1,3,4,5,6,7,8)

(2) On March 12, 2009, the Department sent a Notice of Case Action to Claimant informing him that his FAP benefits would be cancelled effective March 24, 2009.

(3) On March 17, 2009, the Department received the Claimant's hearing request protesting the cancellation of his FAP benefits.

(4) Claimant misplaced the verification of employment form and did not understand the self-employment forms. He spoke with the Department in this regard and returned the forms on April 2, 2009.

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, there is no dispute that Claimant did not return the required information to the Department in a timely manner. The DHS 3503 clearly informed Claimant that a failure to return the proofs could result in his benefits being cancelled. With the above said, I do not find that Claimant made a reasonable effort to provide the information requested by the Department. I find that the Department established that it acted in accordance with policy in closing Claimant's FAP case.

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: May 12, 2009

Date Mailed: May 14, 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/db

cc:

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