

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.: 2009-26495
Issue No.: 3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
July 27, 2009
Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 Detroit, Michigan on July 27, 2009. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the claimant's Food Assistance ("FAP") benefits?

FINDINGS OF FACT

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

1. Claimant was a recipient of FAP benefits in a household of 4.
2. On December 19, 2008 the Department issued a Verification Checklist with a due date of December 29, 2008. (Exhibit 3)

3. Claimant failed to return the requested verifications and testified that she did not receive the December 19, 2009 checklist.
4. On February 17, 2009 the Department issued a Notice of Case Action indicating the FAP benefits would be cancelled effective March 3, 2009.
5. On March 3, 2009 the Department closed the FAP case. (Exhibit 5)
6. Claimant requested a hearing on April 8, 2009 to contest the closure of the 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”).

Under PAM 105, clients must cooperate with the local office in determining initial and ongoing eligibility including completion of necessary forms. The Department is to request verification when information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. PAM 130. The department is to allow 10 days to provide the verification requested and a negative action notice is to be sent when the client indicates refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it. PAM 130. Clients must also report changes, including changes of address and shelter cost changes that result from the move, within 10 days. PAM 105.

In the present case, claimant provided requested verifications in response to a November 2008 Verification Checklist. Upon case review, the department discovered information that was inconsistent with the verifications provided in November 2008. (Exhibit 2) Therefore, the department requested additional verifications from claimant by issuing the December 19, 2008 Verification Checklist with a due date of December 29, 2008. Claimant testified she did not receive the December 2008 Verification Checklist. Claimant indicated that she moved. However, claimant's testimony regarding when she moved and notifying the department of the address change was inconsistent. Claimant first testified that she moved about 6 months ago. As the hearing was held July 27, 2009, claimant testified she moved around January 2009. Then she testified that she notified her worker of the address change on November 23, 2008 when she dropped off verifications at the department office. Next claimant testified that she did not recall when she moved but that she was evicted at some point after Christmas 2008. Lastly claimant testified that she did not have any communication with the department between November 23, 2008 and February 2009.

The department checked the case file and found the verifications claimant dropped off in November 2008 but no address change information was included. It is also noted that claimant did not provide any address with the hearing request or on the envelope in which it was mailed.

The department has provided proof that the December 19, 2008 Verification Checklist was issued to the claimant at the address of record. Claimant has not provided sufficient proof of when she moved and that she provided timely notification of the address change to the department. Accordingly, the time period given to provide verifications elapsed and claimant can not be found to have made a reasonable effort to provide the verifications requested on the December 19, 2008 verification checklist.

Based upon the foregoing facts and relevant law, it is found that the department's FAP determination is AFFIRMED.

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 benefits.

Accordingly, the Department's FAP and FIP eligibility determinations are AFFIRMED.

/s/

Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/26/09

Date Mailed: 08/27/09

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.

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.

CL/jlg

cc:

[REDACTED]