

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████

Claimant

Reg. No.: 2009-28859

Issue No.: 3022

Case No.: ██████████

Load No.: ██████████

Hearing Date:

August 10, 2009

Wayne County DHS (35)

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 was conducted from Detroit, Michigan on August 10, 2009. The Claimant appeared and testified. ██████████, FIM and ██████████, FIS, appeared for the Department.

ISSUE

Whether the Department properly closed the Claimant's FAP case 4/25/09?

FINDINGS OF FACT

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

1. On March 9, 2009, the Claimant applied for FIP, FAP and MA.
2. A verification checklist was issued the same day with a return date of 3/19/09. (Exhibit 1).
3. The Claimant indicated that he turned in everything on 4/23/09 but that he did not know to sign in on the log book on this day when he dropped paperwork in the drop box.

4. The Department indicated that employment income was never provided for the youngest daughter. A note from the youngest daughter's employer reports the daughter's hours per week, but not an hourly rate. (Exhibit 1, p. 21).
5. On 4/25/09, the Department issued a negative action and closed Claimant's case.
6. On June 1, 2009, the Department received the Claimant's hearing request protesting the termination 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").

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. Clients 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. Before determining eligibility, the Department is required to give

the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. PAM 130, p. 6. A negative action is a DHS action to deny an application or to reduce, suspend or terminate a benefit. Negative actions should be in writing. PAM 220, p. 1.

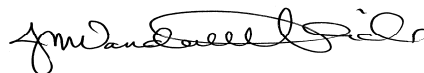
In the record presented, the Claimant was given the standard ten day period to complete the application for benefits by turning in the appropriate verifications. This ten day period ended on 3/19/09. Claimant testified that she submitted all the verifications to the appropriate people and assumed that they had been completed. The Department indicated that an extension was granted on 4/23/09 when Claimant indicated there were additional documents to turn in. Claimant indicated that check stubs for the youngest daughter were turned in on this date, yet Claimant does not have date stamped copies. Furthermore, Claimant did not sign the register log to indicate that he was even in on the 23rd to turn in paperwork. While a letter from the youngest daughter's employer was submitted, it does not include a pay amount. Therefore, the Department did not have a complete application or enough information to grant benefits.

Accordingly, it is found that the Department acted in accordance with department policy resulting in the proper closure of the Claimant's FAP benefits.

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 negative FAP and closure action is AFFIRMED.



Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

2009-28859/JV

Date Signed: 09/24/09

Date Mailed: 09/24/09

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.

JV/jlg

cc:

