

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.: 2009-31992

Issue No.: 3008

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

September 10, 2009

Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon claimant's request for a hearing. After due notice a telephone hearing was held on September 10, 2009 claimant was present and testified, [REDACTED] ES appeared for the department and testified.

ISSUE

Is the department correct in denying claimant's FAP application?

FINDINGS OF FACT

- (1) Claimant applied for FAP benefits on May 15, 2009.
- (2) Claimant was given a verification checklist on 6/3/2009 requesting various documents with a 6/15/2009 due date.
- (3) Claimant submitted documents prior to the due date. The Department acknowledges that all verifications were received except the proof of earned income stopping.

- (4) Claimant gave the employment verification form to his former employer with the DHS fax number. Claimant's former employer attempted to fax the document but was unable to get through.
- (5) On June 10, 2009 Claimant sent an email to Ms. Coleman following up and inquiring as to whether all documents had been received.
- (6) Claimant's application was denied on 6/22/2009 for failure to provide requested verifications.
- (7) Claimant requested a hearing on July 14, 2009 contesting the denial of 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 provide verification. PAM 130, p. 1. The questionable information might be from the client or a third party. Id. The Department can use documents, collateral contacts or home calls to verify information. Id. The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. PAM 130, p.4; PEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period,

then policy directs that a negative action be issued. PAM 130, p. 4. Before making an eligibility determination, however, the department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. PAM 130, p. 6.

In the present case, claimant provided all documents within his control and requested that the employment verification be sent by his former employer. Claimant followed up to confirm whether all documents had been received prior to the verification due date. The Department should have responded to claimant's query prior to closure if additional documents were needed. At a minimum, the time limit to provide the verification should have been extended. Denial of claimant's benefits was not warranted and improper. Claimant's application should not have been denied for noncooperation.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the department was not correct in the denial of claimant's FAP benefits, and it is ORDERED that the department's decision is hereby REVERSED and benefits shall be reinstated as of the date of closure.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/16/09

Date Mailed: 09/16/09

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.

2009-31992/AM

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.

AM/jlg

cc:

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