

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: 2009-32505
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 10, 2009
Macomb County DHS

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 September 10, 2009. The Claimant appeared and testified. Deborah Martin, FIS Case Manager, appeared on behalf of the Department.

ISSUE

Whether the Department properly closed claimant's Food Assistance Program (FAP) benefits for failure to attend return requested verifications.

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 applied for FAP benefits on May 11, 2009.
2. The department, issued a Verification Checklist on June 4, 2009 requesting copies of drivers license/ID for everyone over 16 years old and employment verifications

from [REDACTED] and [REDACTED] with a due date of June 14, 2009. (Department Exhibit 1 pg. 1)

3. The department received all requested verifications except for the verification of employment from [REDACTED].
4. Claimant testified she called [REDACTED] and confirmed that the requested Verification of Employment was completed and mailed to the department.
5. On June 25, 2009 the department denied claimant's FAP application for failure to return the requested verification from Turgreen. (Department Exhibit 1 pg. 4)
6. Claimant requested a hearing on August 14, 2009 to contest the denial of the FAP application.

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. 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. The department must also help clients who need and request assistance in obtaining verifications, and may extend the time limit, if necessary. PAM 130.

In the present case, claimant applied for FAP benefits on May 11, 2009. On June 4, 2009 the department issued a Verification Checklist to provide copies of drivers license/ID for all person over age 16 and verifications of employment from [REDACTED] and [REDACTED] with a due date of June 14, 2009.

The department testified that all verifications were received except for the [REDACTED] verification of employment. The department further testified that noted claimant did not contact them about the missing verification until after the application was denied. However, claimant testified she was not aware that there was a problem with the verifications until she received the denial notice in the mail. Claimant provided credible testimony that although she no longer works for [REDACTED], she did call and confirm that the requested verification form had been completed and mailed back to the department.

Based upon the foregoing facts and relevant law, it is found that the claimant made a reasonable effort to provide the requested verifications to the department and did not indicate a refusal to provide the verification. Accordingly, the department's denial of the FAP application was improper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the claimant was making reasonable efforts to provide the department with the requested verification.

Accordingly, the department's FAP eligibility determination is REVERSED. Therefore it is ORDERED that the department reinstate Claimant's May 11, 2009 FAP application in accordance with this decision.

Colleen Lack

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

Date Signed: 10/02/09

Date Mailed: 10/05/09

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/dj

cc:

[REDACTED]