

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: 2009-34675

Issue No: 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 6, 2009

Allegan 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 hearing was held on October 6, 2009 and claimant appeared and testified. [REDACTED], claimant's boyfriend, also appeared and testified. Mariah Schaefer, Assistance Payments Supervisor, appeared on behalf of the department.

ISSUE

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

FINDINGS OF FACT

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

1. Claimant applied for FAP benefits on July 10, 2009.

2. The department completed an expedited opening and the FAP benefits were approved July 22, 2009.

3. On July 22, 2009, the department issued a DHS 3503 Verification Checklist for the claimant to provide requested documentation by August 3, 2009. (Department Exhibits pgs. 4-5)

4. Claimant attended an interview with the department on July 27, 2009, provided requested verifications, and after discussion with the caseworker believed the only information she still needed to provide was her mother's Social Security number.

5. Claimant's boyfriend was also present at the July 27, 2009 interview.

6. Claimant called her caseworker and left a voice mail with her mother's Social Security number.

7. On August 12, 2009, the department closed the FAP case effective August 1, 2009 for failure to provide verification of her job ending. (Department Exhibits pgs. 6-7)

8. Claimant filed a hearing request to contest the closure on August 27, 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 ("BAM"), the Program Eligibility Manual ("PEM"), and the Program Reference Manual ("PRM").

Under BAM 105, clients must cooperate with the local office in determining initial and ongoing eligibility. The department is to request verification when required by policy, when required by local office option, or when information regarding an eligibility factor is unclear,

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

In the present case, claimant applied for FAP benefits on July 10, 2009. A Verification Checklist was issued July 22, 2009 with a due date for returning the requested information by August 3, 2009. Claimant did bring requested verifications to an interview with the department on July 27, 2009. Claimant's boyfriend who testified was also present for the interview. Claimant and her boyfriend credibly testified that after discussion with the caseworker at the interview, the only information the department still needed was claimant's mother's Social Security number, which the worker stated could be called in or written down on a piece of paper and dropped off at the department office. The caseworker present for the interview was not at the hearing to testify, however the department representative present at the hearing did confirm that the worker had received a voice mail from claimant with needed the Social Security number.

The department representative testified that the requested verification not submitted by the August 3, 2009 due date was documentation that claimant's employment ended. Claimant testified that she had provided a copy of her last pay check to the caseworker at the interview and was not told anything further was needed.

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. Claimant did provide employment records, her pay stubs, as a

requested proof from the Verification Checklist and based on statements made by the caseworker, believed this was sufficient. Accordingly, the department's denial of the FAP application was not proper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides 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 FAP case retroactive to August 2009. If additional verification is still needed, it is further ORDERED that the department specifically request what information claimant still needs to provide and, if requested, assist claimant in obtaining the verification in accordance with this decision.

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

Date Signed: October 7, 2009

Date Mailed: October 8, 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.

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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/cv

cc:

