

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.: 2009-35852
Issue No.: 3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
October 14, 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 October 14, 2009 claimant was present and testified along with her roommate [REDACTED], [REDACTED] ES appeared for the department and testified.

ISSUE

Is the department correct in closing claimant's FAP benefits?

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 was a recipient of FAP benefits. A redetermination interview was conducted on August 4, 2009. A question arose regarding the employment status of household member [REDACTED].
- (2) Claimant was given a verification checklist on 8/4/2009 requesting employment verification documents for [REDACTED] with an 8/14/2009 due date.

- (3) Claimant did not submit employment verification for [REDACTED] prior to the due date.
- (4) Claimant's FAP benefits were closed on 8/31/2009 for failure to provide requested verifications.
- (5) Claimant requested a hearing on September 8, 2009 contesting the closure 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, the department asserted that [REDACTED] informed them at the review interview that [REDACTED] was beginning a new job and as a result an employment verification form DHS-38 was given to claimant. Department exhibit 5, which was signed by the claimant, does state in the specialist comments [REDACTED] started new job today, not sure regarding hours or rate.”

[REDACTED] testified that she never said [REDACTED] was working. [REDACTED] testified that he was not working and has not worked during the time period in question. [REDACTED] testified that he completed the employment verification form and submitted it by mail prior to the due date. [REDACTED] testimony that she did not tell the department worker [REDACTED] was working is less than credible.

This Administrative Law Judge finds that the Department was correct in issuing a verification of employment form for [REDACTED] employment based on the statements claimant made at the review meeting. Claimant failed to prove that the form was submitted and thus the Department was correct in closing FAP benefits for failure to provide verification.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the department was correct in the closure of FAP benefits, and it is ORDERED that the department’s decision in this regard be and is hereby AFFIRMED.



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

Date Signed: 11/02/09

Date Mailed: 11/02/09

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.

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