

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: 2009-37271

Issue No: 3008; 6015

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 27, 2009

Kent 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 held on October 27, 2009. Claimant was present and testified. Sarah Wildman, CW and Irene Middleton, FIM, appeared on behalf of the department.

ISSUE

Did the Department of Human Services (department) properly deny claimant's Food Assistance Program (FAP) and Child Development and Care (CDC) application for failure to provide 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 and CDC benefits on July 10, 2009.
- (2) On July 20, 2009, the department issued a verification checklist for claimant to provide additional documentation by the July 17, 2009 due date. (Department Exhibit 1)
- (3) Claimant mailed some verifications to the department on July 11, 2009, and the remainder in another envelope about two days later.
- (4) The department received some of the verifications on July 13, 2009.
- (5) On August 24, 2009, the department denied the FAP and CDC application for failure to provide verifications by the July 17, 2009 due date.
- (6) On September 9, 2009, claimant filed a hearing request to contest the FAP and CDC determinations.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (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 or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manuals.

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990 and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (DHS or department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are found in the Bridges

Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manuals.

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 must also help clients who need and request assistance. 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.

In the present case, the department issued a Verification Checklist on July 10, 2009, the date of claimant's interview and application for FAP and CDC benefits. However, the department failed to allow claimant 10 days to provide the requested documentation as required by BAM 130. The department only gave claimant until July 17, 2009 to provide the information.

Additionally, claimant provided credible testimony that he mailed the verifications to the department in two envelopes approximately two days apart. The department only received some of the verifications on July 13, 2009. It appears that claimant's second envelope was lost in the mail. However, claimant also testified he tried calling the department to check the status of his application and was not informed any information was missing or additional documentation was needed until the application was denied. Claimant further testified that he has since provided the department with the missing information. The department testified they now have all of the needed information.

Based upon the foregoing facts and relevant law, it is found that the department failed to allow the minimum 10 days for claimant to submit the requested documentation. Further, the

department has not provided sufficient proof that the client refused to provide verifications or that the client had not made a reasonable effort to provide them. The claimant was working cooperatively with the department and mailed the verifications within a few days of the interview and tried to follow up on the status of his application. Accordingly, the department shall reinstate claimant's July 10, 2009 FAP and CDC application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department failed to allow the minimum 10 days for claimant to submit the requested documentation and has not provided sufficient proof that the client refused to provide verifications or that the client had not made a reasonable effort to provide them.

Accordingly, the department's FAP and CDC determinations are REVERSED.

Therefore, the department shall reinstate claimant's July 10, 2009 FAP and CDC application.

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

Date Signed: November 2, 2009

Date Mailed: November 2, 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 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the mailing date of the rehearing decision.

CL/cv

cc:

