

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████,

Claimant

Reg. No. 2009-5485

Issue No. 2013; 3015

Case No. ██████████

Load No. ██████████

Hearing Date:

January 28, 2009

Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice, an in person hearing was held on January 28, 2009. The Claimant personally appeared and testified.

ISSUE

Did the Department properly close the Claimant's Food Assistance Program (FAP), and Medical Assistance (MA)?

FINDINGS OF FACT

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

1. The Claimant is a FAP and MA recipient.

2. On November 7, 2008, the Claimant contacted the Department to inform it that her income had decreased and that her son was no longer employed.

3. On November 7, 2008, the Department sent the Claimant a verification checklist requesting documentation of the change in income and of her son's loss of employment. (Department Exhibit 1).

4. On November 17, 2008, the Claimant sent the Department her verification of employment but did not return her son's verification of employment.

5. The Department moved to close the Claimant's case for failure to report income.

6. On November 21, 2008, the Claimant filed a request for a hearing.

#### 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 (formerly known as the Family Independence Agency) administers the FAP program pursuant to MCL 400.10, et seq., and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

At the hearing, the claimant testified that her son was moving in and out of her home. She further testified that she attempted to get the employment information completed for her son but his employer, [REDACTED], told her that it would be handled at "Corporate." The Claimant then testified that she contacted the Department with this information and requested further time to supply the requested information.

The Claimant supplied documentation of a court hearing at which she is attempting to be named guardian for her son who is now deemed to be an "incapacitated individual."

The client must obtain required verification, but you must assist if they need and request help.

If neither the client nor you can obtain verification despite a reasonable effort, use the best available information. If **no** evidence is available, use your best judgment. (PAM 130, p. 2).

Here, the department was informed of the problems encountered by the Claimant while attempting to obtain the employment information requested by the Department but moved to close the Claimant's case regardless.

Documentation provided by the Claimant at the hearing makes it quite clear that the Claimant's son not only lost his job but lends credibility to the Claimant's testimony that he moved in and out of her home and eventually resided in a group home.

The Department was told of the problems encountered by the Claimant and did not assist or recognize the reasonable effort made by the Claimant to obtain the requested documentation.

The Department erred in not assisting the Claimant in obtaining the documentation and in proposing to close Claimant's MA and FAP.

DECISION AND ORDER

The Administrative Law Judge based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to maintain the Claimant's FAP and MA benefits in their present open status, pending review.

/s/ \_\_\_\_\_  
Michael J. Bennane  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: March 4, 2009

Date Mailed: March 9, 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 receipt date of the rehearing decision.

MJB/jlg

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