

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: 2010-1317

Issue No: 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

November 5, 2009

Genesee 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 November 5, 2009. Claimant was present and testified. Tonya Wickware, appeared on behalf of the department.

ISSUE

Did the Department of Human Services (department) properly close claimant's Food Assistance Program (FAP) benefits for failure to provide 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 23, 2009.
- (2) On July 23, 2009, the department opened an expedited case.
- (3) On July 23, 2009, the department also issued a Verification Checklist for claimant to provide additional income documentation by August 3, 2009. (Department Exhibit 1, pg. 9)

(4) The department testified they did not receive the additional employment verifications from the claimant.

(5) Claimant testified the department stated they would try to obtain the verifications themselves and would let him know if they could not, that he never received the verification checklist, and that he had the additional pay stubs with him on July 27, 2009 when he picked up the bridge card, but that department worker stated she could not take the pay stubs.

(6) On September 2, 2009, the department issued a notice that the FAP benefits would close October 1, 2009. (Department Exhibit 1, pg. 1) However the department testified that the FAP benefits actually closed September 15, 2009.

(7) Claimant submitted the needed pay stubs to the department on September 23, 2009 as they were also needed for another benefit case.

(8) Claimant filed a hearing request to contest the FAP determination on September 24, 2009.

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.

Under BAM 105, clients must cooperate with the local office in determining initial and ongoing eligibility. Clients must also report changes in circumstance that potentially affect eligibility or benefit amount within 10 days of receiving the first payment reflecting the change. BAM 105. 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 at least 10 days to provide the verification requested. BAM 105. 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 23, 2009 and an expedited opening occurred that same date. On July 23, 2009, the department also issued a verification checklist requesting additional pay stubs needed to determine ongoing eligibility with a due date of August 3, 2009. (Department Exhibit 1, pg. 9) The department testified that the verifications were not received by the due date, therefore the FAP benefits closed September 15, 2009. However, it is noted that the Notice of Case Action issued September 2, 2009 indicates the FAP benefits would close October 1, 2009. (Department Exhibit 1, pg. 1) The department testified that the needed pay subs were not provided by claimant until September 23, 2009.

Claimant testified that on July 23, 2009 when he was interviewed by the department for the FAP program, the caseworker told him she would try to get the employer to fax over the needed information herself and would let claimant know if she needed him to provide anything further. Presumably, the caseworker was unable to get the employer to fax the information on July 23, 2009 so she issued the Verification Checklist to claimant to let him know the information was still needed. However, claimant testified he did not receive the Verification Checklist in the mail or any other communication from the department letting him know they still needed the pay stubs. Claimant further testified that when he went to the local office to pick up his Bridge card on July 27, 2009 he brought the pay stubs with him just incase. However,

claimant testified that the worker who gave him the bridge card told him she could not accept the pay stubs from him and did not inform claimant there was a drop box in the lobby where he could have left the papers for his worker. Claimant did provide the needed pay stubs to the Department on September 23, 2009 as they were also needed for his Medical Assistance benefit case.

Based upon the foregoing facts and relevant law, it is found that the claimant did not refuse to provide verifications or had not made a reasonable effort to provide information to the department. Claimant credibly testified he did not receive the verification checklist in the mail and he did try to submit the pay stubs on July 27, 2009 in case they were still needed. The department has since received the needed verifications as they were submitted by claimant for another benefit case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant did not refuse to provide verifications or had not made a reasonable effort to provide information to the department

Accordingly, the department's determination is REVERSED. Therefore, it is ORDERED that the department reinstate claimant's FAP benefits retroactive to the September 15, 2009 closure, awarding benefits to claimant, if appropriate, in accordance with this decision.

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

Date Signed: November 12, 2009

Date Mailed: November 12, 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.

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:

