

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: 2010-15970

Issue No: 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 17, 2010

Midland County DHS

ADMINISTRATIVE LAW JUDGE:

Steven M. Brown

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 conducted from [REDACTED] on March 17, 2010.

ISSUE

Whether the Department properly denied Claimant's Food Assistance Program (FAP) application based upon her failure to provide requested verification(s)?

FINDINGS OF FACT

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

- (1) On September 9, 2009, Claimant applied for FAP benefits.
- (2) On October 16, 2009, the Department sent Claimant a Shelter Verification, a Verification Checklist and a Verification of Employment for Claimant

██████████ and for ██████████ with a due date of October 26, 2009.

(Exhibits 18-26)

(3) On October 19, 2009, the Department received pay stubs for ██████████ a copy of Claimant's lease and a note signed by ██████████ – ██████████

(Exhibits 8-16)

(4) The Department attempted to contact ██████████ but was not able to reach her and did not leave a message because it was a personal number, not ██████████ ██████████, and the voicemail did not identify ██████████

(5) On November 9, 2009, the Department sent Claimant a Notice of Case action which informed her that her application was denied for failure to provide requested verification(s). (Exhibits 28-31)

(6) On December 7, 2009, the Department received Claimant's hearing request protesting the denial of her application for FAP benefits.

#### 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. Departmental policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Bridges Reference Manual (BRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105, p. 5 Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130, p.1 Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as local office option or information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. BAM 130, p.1 The Department uses documents, collateral contacts or home calls to verify information. BAM 130, p.1 A collateral contact is a direct contact with a person, organization or agency to verify information from the client. BAM 130, p. 2 When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130, p. 2

Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the verifications requested by the Department. BAM 130, p. 4 If the client cannot provide the verification despite a reasonable effort, the time limit should be extended at least once. BAM 130, p. 4 Verifications are considered timely if received by the date they are due. BAM 130, p. 4 A negative action notice should be sent when the client indicates a refusal to provide the verification or the time period provided has lapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 4 For MA only, the Department should extend the time limit up to three times and the negative action notice should be sent when the client indicates a refusal to provide the verification or the time period given has elapsed. BAM 130, p. 5

Clients are allowed a reasonable opportunity to resolve any discrepancy between statements and information obtained through another source. BAM 130, p. 6  
Disagreements and misunderstandings should be resolved at the lowest possible level to avoid unnecessary hearings. BAM 600, p. 11

In the instant case, Claimant supplied a note from the [REDACTED] an option offered by the Department, which states that Claimant is not currently working there due to her pregnancy. While the Department attempted to contact [REDACTED] and to find the employer phone number, it could have also called [REDACTED] back and/or contacted Claimant to get the employer's number. It is not that I find that the Department did not take reasonable steps to ascertain necessary information. Rather, my finding, based on the testimony and documentation offered at hearing, is that Claimant made a reasonable effort to provide the proofs requested by the Department.

With the above said, I do not find that the Department established that it acted in accordance with policy in denying Claimant's application for FAP benefits.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, does not find that the Department acted in accordance with policy in denying Claimant's application for FAP benefits.

Accordingly, the Department's FAP eligibility determination is REVERSED, it is SO ORDERED. The Department shall:

- (1) Request verification(s) needed to process Claimant's FAP application with an application date of September 9, 2009.
- (2) Issue Claimant supplemental benefits she is entitled to, if any.

- (3) Notify Claimant in writing of the Department's revised determination.
- (4) Claimant retains the right to request a hearing if she would like to contest the Department's revised determination.

/S/  
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Steven M. Brown  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: March 18, 2010

Date Mailed: March 18, 2010

**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.

SMB/db

cc:

