

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.: 2010-16180

Issue No.: 3022

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

March 10, 2010

Oakland County DHS (2)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on March 10, 2010. The Claimant appeared and testified. On behalf of Department of Human Services (DHS), Trudy Stortz, Specialist, appeared and testified.

ISSUE

Whether DHS properly closed Claimant's Food Assistance Program (FAP) benefits effective 12/31/09 based on a failure to return 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 was an active FAP recipient.
2. Claimant received a Semi-Annual Contact Report (SACR) and timely returned it to DHS on 11/30/09.

3. Claimant's SACR listed her income as \$1800 per month. Exhibit 2.
4. Claimant also submitted two check stubs with her SACR, one for \$112 (Exhibit 3) and one for \$900 (Exhibit 4).
5. DHS did not process Claimant's SACR due to contradictory information in Claimant's income between the SACR and the submitted verifications of income.
6. Claimant received a letter in 12/2009 indicating that her SACR was either not received or that her verifications were not submitted and that her case would close unless situation was resolved.
7. Claimant subsequently contacted her DHS specialist on 12/22/09 to inquire why she received a letter indicating her FAP would close.
8. Claimant was unable to contact her assigned specialist because the specialist was absent until 1/4/10.
9. Claimant discussed the matter with a receptionist who was unable to specifically explain to Claimant why her FAP was closing.
10. Claimant's FAP closed on 12/31/09 due to a failure to clarify contradictory income information.
11. Claimant submitted a Hearing Request on 1/7/10 regarding closure of her FAP.

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 Bridges Administrative Manual (“BAM”), the Bridges Eligibility Manual (“BEM”), and the Reference Tables (“RFT”).

Benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. Verifications must be provided by the end of the current benefit period or within 10 days after they are requested, whichever allows more time. BAM 210, p. 10.

In the present case, Claimant’s FAP could not be extended due to a discrepancy in reported and verified information. Regarding discrepancies, BAM 130 states “Before determining eligibility, give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source.” The above policy does not explicitly apply to discrepancies between a client’s listed income and verified income but the spirit of the policy would seem to allow for such an interpretation.

Further, Claimant made at least one attempt to contact DHS regarding her case closure but was not able to receive appropriate information as to what to do to prevent the closure. BAM 210, which covers redeterminations, states, “Local offices must assist clients who need and request help to complete applications, forms and obtain verifications.” Client’s phone call was a request for help and DHS was unable to assist Claimant with her request.

It should also be noted that this decision must only consider applicable policy and not whether it is reasonable for a specialist to comply with that policy. Claimant’s specialist could not have done anything differently to prevent Claimant’s FAP from closing, however, that must not be a consideration in applying policy.

DECISION AND ORDER

The actions taken by DHS are REVERSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly closed Claimant's FAP case. It is ordered that DHS shall request verifications from Claimant to resolve the income discrepancy and subsequently evaluate Claimant's eligibility for FAP beginning 1/1/10.

Christian Gardocki

Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 3/29/2010

Date Mailed: 3/29/2010

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.

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