

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 201016364
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 9, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 hearing was held on August 9, 2010.

ISSUE

Was the claimant's FAP properly placed into closure for failing to return a redetermination form?

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 a FAP recipient in Wayne County.
- (2) Claimant was given a DHS-1010, Redetermination, in August 2009.
- (3) Claimant did not understand the form and called the Department several times in order to request help with filling out the form.

- (4) Claimant was unable to reach somebody who could render assistance when he contacted DHS.
- (5) Claimant did not return the required redetermination form.
- (6) On December 31, 2009, claimant's FAP case was placed into closure for failing to return the redetermination forms.
- (7) On January 6, 2010, claimant requested 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 (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 Bridges Reference Manual (BRM).

An application or redetermination is considered incomplete until it contains enough information to determine eligibility. BAM 115. Eligibility is determined through a claimant's verbal and written statements; however, verification is required to establish the accuracy of a claimant's verbal and written statements. Verification must be obtained when required by policy, or when information regarding an eligibility factor is incomplete, inconsistent, or contradictory. An application that remains incomplete may be denied. BAM 130.

The local office must assist clients who ask for help in completing forms (including the DCH-0373-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or **not** fluent in English. BAM 105.

Claimant testified that he attempted to contact the Department to request help in completing his redetermination. Unfortunately, claimant was unable to reach his caseworker, and never received a reply to any messages he left. While the Department testified that the claimant never called the Department, given the Department's spotty history of answering phone calls and returning messages, the Administrative Law Judge is prepared to give the claimant the benefit of the doubt.

BAM 105 requires that assistance be rendered to clients who request help. Claimant was never able to contact his caseworker to get the help he needed. Thus, claimant was unable to complete or turn in his forms. As help was required to turn in these forms, the undersigned holds that the Department was in error when claimant's case was closed.

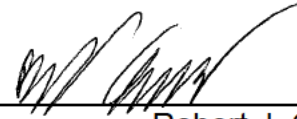
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to close claimant's FAP case was incorrect.

Accordingly, the Department's decision in the above stated matter is, hereby, REVERSED.

The Department is ORDERED to reinstate claimant's FAP case retroactively to date of negative action, re-request verifications, if necessary, and render assistance

with those forms in order to determine eligibility in accordance with policy found in the Bridges Eligibility Manual.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/14/10

Date Mailed: 12/20/10

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.

RJC/dj

cc:

