

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.: 2010-19374
Issue No.: 3022
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
March 22, 2010
Wayne County DHS (35)

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), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly closed Claimant's Food Assistance Program (FAP) benefits effective 1/31/10 due to Claimant's failure to submit verifications with the Semi-Annual Contact Report (DHS-1046).

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 ongoing FAP recipient with a FAP benefit period scheduled to end on 1/31/10 unless a DHS-1046 and verifications were submitted.

2. Claimant submitted a DHS-1046 sometime in 1/2010.
3. Claimant also submitted a pay stub for two of her children who had just started employment.
4. The submitted pay stubs were partial copies that lacked a pay date and recipient information.
5. DHS returned Claimant's DHS-1046 and stubs to Claimant because of the lack of information on the pay stubs.
6. On 1/27/10, Claimant returned the same DHS-1046 and pay stubs which still lacked the pay date and recipient information.
7. Claimant submitted a hearing request on 1/27/10 regarding the expected closure of her FAP.
8. Claimant's FAP closed on 1/31/10 due to the FAP benefits expiring.

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").

BAM 210 covers redetermination of benefits; it reads, "The contact requirement is met by receipt of a completed DHS-1046, Semi-Annual Contact Report and received verifications from the client or the clients authorized representative." It further reads, "A report is considered

complete only when all of the sections (including the signature section) on the DHS-1046 are answered completely **and** required verifications are returned. The only necessary verification for a complete report is proof of income, if applicable.”

In the present case, Claimant submitted a DHS-1046 but not the necessary verifications. Though Claimant submitted pay stubs, without recipient and pay date information, the stubs are essentially useless. DHS would be left to guess at who received the income and on what date the income was paid. Upon receipt of Claimant’s initially submitted DHS-1046 and partial pay stubs, DHS properly did not recertify Claimant’s FAP benefits.

Subsequent to the initial DHS-1046 submission, Claimant received a letter notifying her that her FAP benefits would not be continued. The letter indicated that either the DHS-1046 or required verifications were not received. Claimant was left to guess what specifically needed to be resolved. Claimant contacted several persons at DHS inquiring why her submission was insufficient for FAP benefit recertification. Though Claimant spoke with various persons, none were able to identify that the submitted check stubs lacked pay date and recipient information. Based on Claimant’s efforts, it is believed that had this been told to her, Claimant would have resolved the issue by submitting income verifications that had pay date and recipient information.

Per BAM 210, “Local offices must assist clients who need and request help to complete applications, forms and obtain verifications.” Part of DHS’ responsibility is to respond to reasonable client requests inquiring why a case is closing. Though a letter was mailed to Claimant that letter did not specifically identify the problem as one of partial check stubs. Once Claimant called DHS, it is found that DHS had the responsibility to inform Claimant what was lacking in her prior submission. DHS did not meet this responsibility.

The undersigned is aware that such communication is a burden to exceptionally overwhelmed DHS staff. However, the added responsibility of constructive communication to clients is more than offset by the inevitable destructive communication from clients that would occur after a case is closed.

Claimant also objected to a denial of a Child and Development Care (CDC) application and closure of Medical Assistance (MA) benefits. The denial of CDC and closure of MA occurred after Claimant submitted her 1/27/10 hearing request and are properly not the subject of this decision. If Claimant is dissatisfied with DHS actions on her CDC and MA then Claimant's remedy is to file a hearing request regarding those issues.

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 begin the process to recertify Claimant's FAP benefits effective 2/1/10. Claimant has the burden of providing necessary verifications in accordance with DHS policy.



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

Date Signed: 4/8/2010

Date Mailed: 4/8/2010

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.

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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.

CG/jlg

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