

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.: 2010-268

Issue No.: 3008

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

November 9, 2009

Wayne County DHS (49)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon claimant's request for a hearing. After due notice a telephone hearing was held on November 9, 2009 claimant was present and testified, [REDACTED] appeared for the department and testified.

ISSUE

Is the department correct in closing claimant's FAP and MA benefits for failure to provide 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) On July 14, 2009 claimant applied for FAP and MA.
- (2) FAP benefits of \$221 for a household of 4 were opened with minimal verifications.

- (3) On July 14, 2009 a verification checklist was given to the claimant with a July 24, 2009 due date. A Verification of employment was also sent out on July 14 to the Detroit Public Schools.
- (4) On August 19, 2009 a verification checklist was sent to claimant with an August 31, 2009 due date. A Verification of employment was also sent to the Detroit Public Schools.
- (5) Having not received verifications on September 21, 2009 claimant's FAP and MA cases were put into closure.
- (6) Claimant requested a hearing on September 22, 2009 contesting the closure of his FAP and MA benefits.

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 Program Administrative Manual ("PAM"), the Program Eligibility Manual ("PEM"), and the Program Reference Manual ("PRM").

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. PAM 130, p. 1. The questionable information might be from the client or a third party. Id. The Department can use documents, collateral contacts or home calls to verify information. Id. The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. PAM 130, p.4; PEM 702. If the client refuses

to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. PAM 130, p. 4. Before making an eligibility determination, however, the department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. PAM 130, p. 6.

In the present case, benefits were opened with minimal verifications with the expectation that further verification would be submitted by the claimant. Claimant was given a request for verification on July 14, 2009 and again on August 19, 2009. Claimant failed to return either verification and does not have a reasonable explanation why they were not submitted. Therefore the department was correct for closing claimant's benefits due to failure to provide verifications.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the department was correct in the determination of FAP benefits, and it is ORDERED that the department's decision in this regard be and is hereby AFFIRMED.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/25/09

Date Mailed: 11/25/09

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 90 days of the filing of the original request.

2010-268/AM

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.

AM/jlg

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