

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████,

Claimant,

Reg No: 2010-32101

Issue No: 3008; 6019

Case No: ██████████

Load No: ██████████

Hearing Date:

May 19, 2010

Eaton 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 Lansing, Michigan on May 19, 2010.

ISSUE

Whether the Department properly denied Claimant's Food Assistance Program (FAP) and Child Development and Care (CDC) 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 March 2, 2010, the Department sent Claimant a Notice of Case Action which informed Claimant that her FAP case would close effective April 1, 2010 for failure to verify or

allow the Department to verify necessary information”. Claimant did not provide proof of job loss at Fire Mountain. (Exhibits 18-21)

(2) On March 24, 2010, Claimant reapplied for FAP and CDC benefits. (Exhibits 22-36)

(3) On March 24, 2010, the Department sent Claimant a Verification Checklist, DHS-3503, and Verification of Employment (██████████), DHS-38, with a due date of April 5, 2010. (Exhibits 8, 9)

(4) On April 6, 2010, the Department sent Claimant an Application Notice which informed her that she was not eligible for FAP or CDC because “you failed to provide the Department with information needed to determine eligibility” – Claimant did not return the Verification of Employment (██████████) by the due date. (Exhibit 3)

(5) On April 13, 2010, the Department received Claimant’s hearing request protesting the denial of her FAP and CDC applications. (Exhibit 2)

(6) On April 23, 2010, the Department received the requested Verification of Employment (██████████). (Exhibits 38, 46)

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).

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (DHS or department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained 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

In the instant case, there is no dispute that Claimant did not return the requested proofs to the Department in a timely manner. The DHS 3503 clearly informed Claimant that a failure to return the proofs by the due date could result in her application being denied. Claimant's FAP case was closed for not providing the same requested verification just a month earlier. Claimant received the April 6, 2010 Notice of Case Action and then had the Verification of Employment completed and returned to the Department in short order. She could have done so and kept her original FAP case open and/or her application from being denied. Claimant did not make a reasonable effort to provide the proofs requested by the Department.

With the above said, I find that the Department established that it acted in accordance with policy in denying Claimant's application for FAP and CDC benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with policy in denying Claimant's application for FAP and CDC benefits.

Accordingly, the Department's FAP and CDC eligibility determinations are AFFIRMED,
it is SO ORDERED.

/s/

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

Date Signed: June 9, 2010

Date Mailed: June 9, 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/vc

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