

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.: 20103330  
Issue No.: 2006; 3008  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: July 22, 2010  
Wayne County DHS

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

**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 held on July 22, 2010. The Claimant appeared and testified. [REDACTED], FIM and [REDACTED] appeared on behalf of the Department.

**ISSUE**

Was the Department correct in closing Claimant's FAP and MA benefits for failing 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 ongoing recipient of FAP and MA benefits.
- (2) A redetermination packet with notice of an April 1, 2010 interview was sent to Claimant on March 16, 2010.
- (3) Claimant did not call in on April 1, 2010 and a notice of missed interview was sent to her on that date.
- (4) On April 19, 2010 notice of case action was sent to Claimant informing her that her MA and FAP would be closing effective May 1, 2010.

- (5) Claimant requested a hearing on April 29, 2010 contesting the closure of MA and FAP 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 Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Program Reference Manual ("PRM").

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 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. BAM 130, p.4; BEM 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. BAM 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. BAM 130, p. 6.

In the present case, Claimant testified that she is homeless, that she has no money, and that it is difficult for her to get her mail. Claimant testified that she has a PO Box in [REDACTED]. Department policy is very clear that Claimants must cooperate in determining ongoing eligibility. BAM 130. This Administrative Law Judge finds it less than credible that Claimant was unable to retrieve her mail for more than a month. If Claimant wants to receive benefits she needs to find a way to maintain contact with the Department. The Department was correct to close Claimant's FAP case because the required verifications were not submitted prior to the deadline without a reasonable excuse.

### **DECISION AND ORDER**

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The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was correct in the closure of Claimant's FAP and MA benefits, and it is ORDERED that the Department's decision is hereby AFFIRMED.

/s/



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

Date Signed: July 29, 2010

Date Mailed: July 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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cc:

