

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: 2010-33380
Issue No: 3024/4002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 22, 2010
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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, an in-person hearing was held on July 22, 2010. Claimant was represented by [REDACTED]

ISSUE

Whether the department properly determined claimant's eligibility for State Disability Assistance (SDA) and Food Assistance Program (FAP) benefits.

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

(1) April 8, 2010, claimant applied for SDA and FAP. Claimant provided copies of an expired VISA; a letter indicating I-130 petition was approved; and employment card valid from December 1, 2009 through November 30, 2010. Department Exhibit A, pgs 7, 9-10.

(2) April 12, 2010, the department denied claimant's application due to not meeting citizenship or required alien status requirements.

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

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements.

Obtain verification when:

- Required by policy.
- Required as a local office option.

- Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory.

Tell the client what verification is required, how to obtain it, and the due date. Use the DHS-3503, Verification Checklist. The DHS-3503C, Verification Checklist for Citizenship/Identity is to request documentation of citizenship or identity for SDA. The client must obtain required verification, but you must assist if they need and request help.

Allow the client ten (10) calendar days or other time limit specified in policy to provide the verification you request. Bridges Administrative Manual (BAM) 130; Annual Appropriations Act; 7 CFR 273.2(f).

In this case, the department relied on the following documents for its denial: VISA expired April 3, 2005; an approved I-130 petition; and an employment authorization card that was valid December 1, 2009 through November 30, 2010. The information contained on these documents is sufficiently unclear, inconsistent, incomplete, or contradictory so that the department should have provided claimant with a Verification Checklist indicating that his status needed to be clarified and indicating some other documents by which he might prove his status in the U.S. See policy discussion above. Finding of Fact 1-2. Accordingly, the department has not met its burden of proof and its action to deny claimant's application cannot be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not properly deny claimant's application for Food Assistance Program and State Disability Assistance benefits.

Accordingly, the department's action is, hereby, REVERSED. The department is to initiate a determination of claimant's eligibility for FAP and SDA in compliance with department policy and this Decision and Order.

/s/

Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 9, 2010

Date Mailed: August 10, 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 90 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.

JAB/db

cc:

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