

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.: 201036376
Issue No.: 3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 5, 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 August 5, 2010. The Claimant appeared and testified. [REDACTED], FIM appeared on behalf of the Department.

ISSUE

Was the Department correct in denying Claimant's FAP application?

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 applied for FAP benefits on February 22, 2010.
- (2) Notice for an interview was sent to Claimant on February 24, 2010 for a March 8, 2010 interview.
- (3) Claimant did not receive notice of this interview and did not appear.
- (4) Notice of missed appointment was sent to Claimant on March 8, 2010.
- (5) Claimant's application was denied on March 23, 2010 for failing to appear for an interview.

- (6) Claimant requested a hearing on April 24, 2010 contesting the denial of 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").

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.

Claimant applied for Food Assistance on February 22, 2010. Claimant was sent notice for a March 8, 2010 interview. Claimant credibly testified that he did not receive notice of the interview or notice of the missed interview. It was improper for the Department to deny Claimant's application for failing to appear for an interview when Claimant did not receive notice of the interview. BAM 130. This Administrative Law Judge cannot find that Claimant refused to cooperate or failed to make a reasonable effort. Therefore the denial of Claimant's FAP application was incorrect.


DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department improperly denied Claimant FAP application, and it is ORDERED that the Department's decision in this regard be and is hereby REVERSED. Claimant's application shall be reinstated and reprocessed going back to the date of

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application February 22, 2010.

/s/



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

Date Signed: August 11, 2010

Date Mailed: August 11, 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 of the rehearing decision.

AM/hw

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