

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.: 2010-47117
Issue No.: 3019
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 13, 2010
Wayne County DHS (15)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted from Detroit, Michigan on Monday, September 13, 2010. The Claimant appeared and testified. [REDACTED] and [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly terminated the Claimant's food assistance ("FAP") benefits effective May 1, 2010?

FINDINGS OF FACT

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

1. The Claimant submitted an application for public assistance seeking Medical Assistance ("MA-P") and FAP benefits on December 29, 2009.
2. The Department requested paystubs from the Claimant's employment which were not received.
3. The Claimant was approved for FAP benefits effective December 2009.
4. On March 27, 2010 as part of the MA-P processing, a Verification Checklist was sent to the Claimant requesting medical documentation as well as the missing paystubs.

5. On April 7, 2010, a Negative Action Notice was sent to the Claimant informing her that her FAP benefits were scheduled for closure effective May 1, 2010 due to the failure to submit the employment verification(s).
6. The Claimant contacted the Department indicating she was having some problems securing the medical evidence.
7. The Claimant “forgot” to submit the employment verification(s) prior to May 1, 2010.
8. The Claimant’s FAP benefits terminated effective May 1, 2010.
9. On May 4, 2010, the Department received the requested verifications.
10. On May 27, 2010, the Department received the Claimant’s timely written request for hearing protesting the termination 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 Bridges Reference Manual (“BRM”).

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105 Verification means documentation or other evidence to establish the accuracy of the client’s verbal or written statements. BAM 130 A collateral contact is a direct contact with a person, organization or agency to verify information from the client. BAM 130 When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130 The client must obtain the required verification, however, the Department must assist if needed and/or requested. BAM 105; BAM 130 If neither the client nor the Department is able to obtain verification despite reasonable effort, the Department should use the best available information. BAM 130 If no evidence is available, the Department should use its best judgment. BAM 130 Client’s are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. BAM 130 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 Timely notice is required for a reduction or termination of benefits. BAM 130

In this case, the Claimant submitted an application for FAP and MA-P benefits on December 29, 2009. The Department requested employment information from the Claimant but never received the verifications. Despite this, the Claimant began receipt of FAP benefits effective December 2009. In further processing of the MA-P application, the Department discovered that the employment verifications (paystubs) were not received. As a result, the Department sent a Verification Checklist to the Claimant requesting the information. On April 7, 2010, after the information was not received, a Negative Action Notice was sent to the Claimant informing her that the FAP benefits were scheduled for closure effective May 1, 2010 due to the failure to submit the requested verifications. The Claimant testified that she forgot to turn in the requested employment verifications. The Claimant's FAP benefits terminated effective May 1, 2010. Under these facts, the Department established it acted in accordance with department policy when it terminated the Claimant's FAP benefits for failing to timely submit the requested employment verifications. Accordingly, the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the Department acted in accordance with department policy when it terminated the Claimant's FAP benefits.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 9/14/2010

Date Mailed: 9/14/2010

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

2010-47117/CMM

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.

CMM/jlg

cc:

