

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: 2010-47777  
Issue No: 3012  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
September 16, 2010  
Allegan County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 held on September 16, 2010. Claimant personally appeared and testified.

The department was represented by Linda Van Ess (FIM).

The Administrative Law Judge appeared by telephone from Lansing

ISSUE

Did the department correctly close claimant's FAP benefits because claimant failed to verify her eligibility for both programs by the due date, as required?

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 is a former FAP recipient.
- (2) On June 1, 2010, claimant's case was scheduled for an eligibility review.

(3) On June 15, 2010, the caseworker sent claimant a Redetermination Notice (DHS-1010). The due date for returning the required Redetermination forms was July 31, 2010.

(4) On July 6, 2010, the caseworker sent claimant a Self- Employment Verification form (DHS-0431), due July 31.

(5) The redetermination forms were sent to claimant's last known address ( [REDACTED] ). They were not returned by the U.S. Post Office.

(6) Claimant did not return the required Redetermination forms by the due date.

(7) The Bridges system sent claimant a Closure Notice (DHS-1605) and closed claimant's FAP case.

(8) On July 29, 2010, claimant filed a hearing request.

(9) On July 31, 2010, Bridges closed claimant's FAP case due to claimant's failure to verify continuing eligibility.

(10) On July 29, 2010, the claimant filed a timely hearing request.

#### 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 following policies apply to the issues raised by claimant:

## **VERIFICATIONS**

### **All Programs**

All clients/recipients must take action within their ability to obtain verifications. DHS staff must assist when necessary. See PAM/BAM 130, PEM/BEM 720 and PAM/BAM 150, and PEM/BEM 500.

Current department policy requires that FAP recipients cooperate with the local office in determining initial and ongoing eligibility for FAP.

This includes completion of necessary forms, face-to-face meeting when requested, and verifying all income and assets. PAM/BAM 105.

The preponderance of the evidence in the record shows that claimant failed to verify her current eligibility for FAP, when requested by the department in June 2010.

Since claimant did not submit the required verifications by the due date, the caseworker correctly decided to close claimant's FAP benefits.

A careful review of the record reveals no evidence of arbitrary or capricious action by the local office in processing claimant's FAP eligibility.

Therefore, the action taken by the department is correct.

## **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly requested verification of claimant's ongoing eligibility for FAP in June, 2010. Furthermore, claimant failed to provide the required verifications, by the due date.

Therefore, the action taken by the department is, hereby, AFFIRMED.  
SO ORDERED.

/S/ \_\_\_\_\_  
Jay W. Sexton  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: October 5, 2010

Date Mailed: October 6, 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.

JWS/tg

cc:

