

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: 2010-55208
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 21, 2010
Jackson County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

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 October 21, 2010. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly close the claimant's Food Assistance Program (FAP) benefits for failure to return the redetermination materials and participating in the required interview?

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 was receiving FAP benefits when his case came due for review. The claimant was mailed a Redetermination form on July 14, 2010, due back to the department by August 9, 2010, when he was scheduled for a telephone interview. (Department Exhibit 3 - 6)

2. The claimant was mailed a Notice of Missed Interview (DHS-254) on August 9, 2010, indicating that he needed to reschedule the interview prior to August 31, 2010.

(Department Exhibit 7)

3. The claimant called to reschedule the interview and was mailed an Appointment Notice (DHS-170) on August 20, 2010, scheduling his interview for August 27, 2010.

(Department Exhibit 8)

4. The department mailed the claimant a Notice of Case Action (DHS-1605) on September 9, 2010, informing the claimant that the FAP case would close effective September 1, 2010 for failure to return the Redetermination packet and participate in the required interview.

(Department Exhibit 11 - 12)

5. The claimant submitted a hearing request on September 16, 2010.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department policy states:

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate

All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. BAM, Item 105, p. 5.

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. BAM, Item 105, p. 5.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See BAM 130 and BEM 702. BAM, Item 105, p. 8.

Assisting the Client

All Programs

The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or **not** fluent in English. BAM, Item 105, p. 9.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. BAM, Item 130, p. 1.

Obtaining Verification

All Programs

Tell the client what verification is required, how to obtain it, and the due date (see “**Timeliness Standards**” in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification. BAM, Item 130, p. 2.

The client must obtain required verification, but you must assist if they need and request help. BAM, Item 130, p. 2.

Timeliness Standards

All Programs (except TMAP)

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit at least once. BAM, Item 130, p. 4.

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM, Item 130, p. 4.

MA Only

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed. BAM, Item 130, p. 4.

The Redetermination form allows the department to evaluate continuing eligibility for any programs the claimant is receiving. The Redetermination form was mailed to the claimant on July 14, 2010. The form states that the client “must complete, sign, and date this form, and return it with all proofs by bringing it with you to your appointment, returning by mail or bringing it to DHS by the due date listed above.” The form goes on to states that if the client does “NOT return this form and all of the required proofs by the due date, your benefits may be cancelled or reduced.” The completed form was due back to the department by August 9, 2010.

The claimant testified that he completed the Redetermination form and mailed it to the department on at least three occasions. The claimant further testified that he never received a telephone call from a department worker to conduct the FAP interview. The department worker testified that all correspondence from clients, whether it is dropped off in the drop box, mailed to the department or turned in to the receptionist, is logged into a computer and can be searched by

client. The department presents a Bridges computer search that shows no documents were turned in by the claimant during this time.

Department policy indicates that clients must cooperate with the local office in determining initial and ongoing eligibility, which includes completion of the necessary forms. BAM 105. When the department did not receive the Redetermination form and verifications by the due date, the department had no choice but to allow the claimant's FAP benefit period to expire.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly closed the claimant's FAP benefits for failure to return the redetermination materials.

Accordingly, the department's actions are UPHeld. SO ORDERED.

/s/ _____
Suzanne L. Morris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 28, 2010

Date Mailed: October 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.

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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.

SLM [REDACTED]

cc:

[REDACTED]