

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: 201014207
Issue No: 3022
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 3, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 February 3, 2010. The Claimant appeared and testified along with his mother, [REDACTED]. Wanda Bonner, FIM appeared for the Department.

ISSUE

Whether the Department properly closed the Claimant's Food Assistance Program ("FAP") benefits effective 9/30/09 based on a failure to return verifications?

FINDINGS OF FACT

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

1. The Claimant was an active FAP recipient whose benefit period expired on 9/30/09. (Exhibit 1, p. 5).

2. The Department mailed a redetermination notice to the Claimant on 8/19/09 requesting verification and informing Claimant of an in-person appointment on 9/3/09. (Exhibit 1, p. 1).
3. Claimant and his witness testified that they appeared on the scheduled date and waited for 5 hours for their appointment before finally turning in the verifications to a Department representative.
4. The Department issued a negative action and closed Claimant's case for failure to return verifications effective 9/30/09.
5. Claimant filled out a new application on 11/13/09 and is currently receiving food assistance benefits.
6. The Department received the Claimant's hearing request protesting the termination of the 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 Reference Tables ("RFT").

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105, p. 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written

statements. BAM 130, p. 1. Clients are allowed generally allow 10 calendar days (or other time limit specified in policy) to provide the requested verifications. BAM 130, p. 4. If the client cannot provide the verification despite a reasonable effort, the time limit should be extended no more than once. BAM 130, p. 4. 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.

Benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. Verifications must be provided by the end of the current benefit period or within 10 days after they are requested, whichever allows more time. BAM 210, p. 10.

In the record presented, Claimant and his witness testified credibly that they attempted to appear for the scheduled redetermination interview. The testimony also revealed that they turned in verifications at that time. There was some discrepancy about whether Claimant turned in his verifications on 9/3/09 or 9/13/09. The point is irrelevant, however, as Claimant had until the end of September, pursuant to BAM 210, to submit his verifications. Based on the foregoing facts and relevant law, this Administrative Law Judge finds the Claimant timely submitted verifications for redetermination. Accordingly, the Department's decision to close Claimant's FAP benefits effective 9/30/09 is REVERSED.

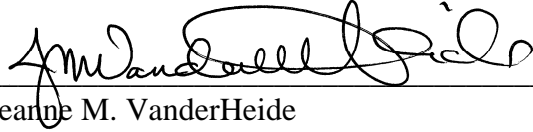
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department improperly closed the Claimant's FAP case.

Accordingly, it is ORDERED:

1. The Department's negative FAP action is REVERSED.

2. The Department shall reopen the Claimant's FAP case back to the date of closure, 9/30/09, delete any related negative action and supplement the Claimant for any lost benefits he was otherwise entitled to receive.



Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 03/09/10

Date Mailed: 03/11/10

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.

JV/dj

cc:

