

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████

Claimant

Reg. No.: 201015014

Issue No.: 3008, 6015

Case No.: ██████████

Load No.: ██████████

Hearing Date:

May 19, 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 May 19, 2010. The Claimant appeared and testified. ██████████ FIM and ██████████ ES appeared on behalf of the Department.

ISSUE

Was the Department correct in closing Claimant's Food Assistance and Child Day Care benefits for failing to return verifications?

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 was an on-going recipient of FAP and CDC benefits.
- (2) Claimant was sent a verification of employment on October 28, 2009.

- (3) A verification checklist along with a verification of employment was sent to Claimant on December 3, 2009, requesting the form be submitted by December 14, 2009.
- (4) Claimant's FAP and CDC benefits were closed on January 25, 2010 for failure to provide verifications.
- (5) Claimant submitted employment verifications and identity verifications prior to the deadlines.
- (6) The Department could not locate the file prior to hearing and presented no evidence refuting Claimant's testimony.
- (7) Claimant requested hearing on February 5, 2010 contesting the closure of FAP and CDC 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").

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human

Services (formerly known as the Family Independence Agency) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained 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. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130

In the present case, Claimant credibly testified that she submitted the requested verifications prior to the due dates. The Department could not locate Claimant's file and presented no evidence refuting Claimant's testimony. This Administrative Law Judge finds that Claimant was cooperative in providing requested employment and identity verifications, and therefore closure of Claimant's CDC and FAP benefits was improper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was incorrect in the closure of Claimant's FAP and CDC benefits, and it is ORDERED that the Department's decision is hereby REVERSED. Claimant's FAP and CDC benefits shall be reinstated as of the date of closure, and any missed benefits shall be paid to her in the form of a supplement.

/s/ Aaron McClintic
Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 9, 2010

Date Mailed: June 9, 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 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

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