

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.: 201025456

Issue No.: 3022

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:
April 12, 2010

Oakland 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 received by the Department on February 16, 2010. After due notice, a telephone hearing was conducted from Detroit, Michigan on April 12, 2010. The Claimant appeared and testified. [REDACTED] FIM appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant Food Assistance Program ("FAP") benefits due to 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 applied for FAP benefits by mailing in an application that she printed off the internet.

2. On 10/24/09, the Department mailed Claimant an appointment letter indicating an appointment time of 10/29/10 at 10:00 a.m.
3. The Claimant testified that she received the letter on 10/29/10 at 2 p.m. Claimant attempted to contact the Department to indicate she did not receive the letter in time to attend the appointment but was unable to get through. Claimant left repeated voicemails.
4. Claimant testified that the appointment letter indicated that verification was required but that there was no verification request attached.
5. The Department indicated that there was no due date for verifications listed on the appointment letter.
6. On November 18, 2009, the Department denied Claimant's application for benefits for failure to return supporting documentation.
7. On February 16, 2010, the Department received the Claimant's Request for Hearing protesting the reduction 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 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. Upon redetermination, 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. Only adequate notice is required on application. BAM 130, p. 5.

In the present case, the Claimant testified credibly that she did not receive a verification request with a due date and that she received the appointment notice too late to attend the appointment. Claimant attempted to remedy the situation by contacting the Department but she was unable to talk to anyone before her benefits were denied. The Administrative Law Judge finds that Claimant did not refuse to provide any information requested. Claimant would have provided the information had she known the time period in which it was needed. Furthermore, Claimant attempted to call the Department to reschedule the appointment but was unable to speak to anyone.

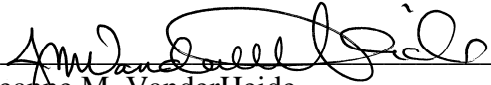
Accordingly, it is found that the Department's denial of the Claimant's FAP benefits is REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that there was insufficient evidence presented to affirm the Department's actions.

Accordingly, it is held:

1. The Department's determination to deny the Claimant's FAP benefits is REVERSED.
2. The Department shall reopen and reprocess Claimant's application for FAP benefits as of the date of closure, 11/18/09.
3. The Department shall supplement the Claimant for any lost benefits she was otherwise entitled to receive from the date of application through the present.

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

Date Signed: April 19, 2010

Date Mailed: April 21, 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.

JV/hw

cc:

