

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: 2010-26660
Issue No: 3008, 6015
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 12, 2010
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully for Michael Herendeen

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on January 6, 2010. After due notice, a telephone hearing was held on Monday, April 12, 2010.

The Claimant requested a hearing protesting the termination of FAP benefits effective December 1, 2009. The Claimant also protested the Department's failure to pay her childcare provider from April 21, 2009, through July 5, 2009, even through the Department had approved her for benefits during this period. The Claimant's request for a hearing is DISMISSED with respect to her Child Development and Care (CDC) grievance because the Claimant was not subject to a negative action. The Claimant's childcare provider must bill the Department to receive compensation for childcare during the period she was not paid.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) eligibility?

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 a FAP recipient as a group of seven.
- (2) On October 14, 2009, the Department sent the Claimant a Redetermination form (DHA-1010) for the FAP program with a due date of November 9, 2009.
- (3) The Department terminated the Claimant's FAP benefits effective December 1, 2009.
- (4) The Department received the Claimant's request for a hearing on January 6, 2010, protesting the termination of FAP benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp 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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of 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. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required

as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130, p. 1. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130, p. 1. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130, p. 2. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

Clients are allowed 10 calendar days (or other time limited specified in policy) to provide the verifications requested by the Department. 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 had not made a reasonable effort to provide it. BAM 130, p. 4.

The Claimant was receiving FAP benefits as a group of seven. On October 14, 2009, the Department sent the Claimant a Redetermination form (DHS-1010) with a due date of November 9, 2009. This form instructed the Claimant that failure to complete and return the Redetermination form (DHS-1010) could result in a loss of benefits. When the Department did not receive the completed Redetermination form (DHS-1010), the Department terminated the Claimant's FAP benefits effective December 1, 2009.

The Claimant argued that she mailed the Department a new Application for Benefits form (DHS-1171) after losing the Redetermination form (DHS-1010) that the Department sent her. The Claimant testified that she mailed the Application for Benefits form (DHS-1171) to the Department, but could not recall the date when she mailed it. The Claimant did not present any evidence that she mailed a completed Application for Benefits form (DHS-1171).

The Department testified that an Application for Benefits form (DHS-1171) is an acceptable substitute for a Redetermination form (DHS-1010), but that it did not receive any documentation in response to its redetermination form from the Claimant. In addition, there was no evidence presented at the hearing that the Claimant requested assistance from the Department with the redetermination process.

The Department has established that it acted in accordance with policy when it terminated the Claimant's FAP benefits for failure to cooperate with the redetermination of eligibility process.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's FAP eligibility.

The Department's FAP eligibility determination is AFFIRMED. It is SO ORDERED.

/s/ _____
Kevin Scully
Administrative Law Judge
For Michael Herendeen
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 27, 2010

Date Mailed: August 30, 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.

KS/vc

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