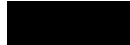


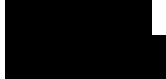

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Claimant,

Reg No: 2010-27797
Issue No: 3008
Case No: 
Load No: 
Hearing Date:
May 5, 2010
Marquette County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 conducted from Lansing, Michigan on May 5, 2010.

ISSUE

Whether the Department properly terminated Claimant's Food Assistance Program (FAP) and Adult Medical Program (AMP) cases based upon her failure to provide requested verification(s)?

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 a FAP and AMP recipient.

(2) On November 16, 2009, the Department sent Claimant a Redetermination, DHS-1010, and Redetermination Telephone Interview, DHS-574, for both programs with a due date and interview date of December 7, 2009. (Exhibits 1-5)

(3) Claimant did not return the Redetermination by the due date nor did she attend the interview.

(4) On December 7, 2009, the Department sent Claimant a Notice of Missed Interview, DHS-254. (Exhibit 6)

(5) On December 31, 2009, the Department sent Claimant a Notice of Case Action informing her that her FAP case would close effective January 1, 2010. (Exhibits 7-11)

(6) On January 26, 2010, the Department sent Claimant a Notice of Case Action informing her that her AMP case would close effective March 1, 2010. (Exhibits 12-16)

(7) On March 12, 2010, the Department received Claimant's hearing request protesting the termination of her FAP and AMP benefits.

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. Departmental policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Bridges Reference Manual (BRM).

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) 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 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, p. 2

Clients are allowed 10 calendar days (or other time limit 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 has not made a reasonable effort to provide it. BAM 130, p.4

In the instant case, Claimant received the Redetermination, but did not return it or attend the interview because she forgot about it. Claimant received the Notice of Missed Interview and called and spoke with her caseworker, but no 2nd interview was set up. The Department agreed that Claimant spoke with her caseworker, but no 2nd interview was set up. Claimant testified that she then met with her CASH caseworker on December 31, 2009 and gave him all her Redetermination information and he said he would take care of it. Claimant's son also testified that he was present when Claimant gave the information to her CASH caseworker. The Department investigated the issue after the hearing and was not able to locate any Redetermination information for Claimant, but also was not able to speak with the CASH case worker.

With the above said, I do not find that the Department established that it acted in accordance with policy in terminating Claimant's FAP and AMP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, does not find that the Department acted in accordance with policy in terminating Claimant's FAP and AMP benefits. Accordingly, the Department's FAP and AMP eligibility determinations are REVERSED, it is SO ORDERED. The Department shall:

- (1) Send Claimant a new Redetermination, DHS-1010, and Redetermination, DHS-574, and process Claimant's Redetermination for FAP and AMP benefits retroactive to the closure date.
- (2) Issue Claimant supplemental benefits she is entitled to, if any.
- (3) Notify Claimant in writing of the Department's revised determination.

(4) Claimant retains the right to request a hearing if she would like to contest the Department's revised determinations.

/s/

Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 10, 2010

Date Mailed: May 13, 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.

SB/lk

cc:

