

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 20102877

Issue No: 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 19, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 hearing was held on April 19, 2010.

ISSUE

Was the claimant's FAP application properly denied for a failure to provide verifications of income?

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 recipient in Wayne County.
- (2) On July 13, 2009, claimant was mailed a DHS-3503 with regard to a FAP redetermination.
- (3) On July 21, 2009, claimant was mailed a DHS-3503 instructing the claimant to complete a FAST.

- (4) On August 17, 2009, claimant's mail was returned to the Department as moved, with no forwarding address.
- (5) Claimant's FAP case was subsequently closed for failing to complete a required review.
- (6) Prior to these mailings, the Department had sent some mail to the claimant at a different address.
- (7) Claimant's new address had not been updated with all of the Department systems.
- (8) As a result, claimant did not get all her mail from the Department.
- (9) On September 30, 2009, claimant requested a hearing.

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

Eligibility is determined through a claimant's verbal and written statements; however, verification is required to establish the accuracy of a claimant's verbal and written statements. Verification must be obtained when required by policy, or when information regarding an eligibility factor is incomplete, inconsistent, or contradictory. BAM 130. All sources of income must be verified. BEM 500. Verifications are due ten

days after the initial request; however, this time limit may be extended at least once upon request. BAM 130. An application is considered incomplete until all required information is submitted. BAM 130. An incomplete application may be denied. BAM 130. In order to receive uninterrupted benefits, a claimant must return redetermination forms within 15 days of receipt; if the materials are mailed late, the materials are due 17 days after the date of actual mailing. BAM 210.

In the current case, the Department contends that claimant did not return any of her redetermination forms, as required by the regulations. This resulted in a denied FAP redetermination.

Claimant contends that she did not receive the verifications.

There is no dispute that claimant did not receive the redetermination materials; claimant's mail was returned to the Department as moved, with no forwarding address. Claimant, however, contends that she had notified the Department of her new address. In support of this, claimant submitted materials showing her that the Department had contacted her at least once at her new address prior to the matter in question. This evidence was to be faxed to the undersigned by the Department following the hearing; however, no material was ever received. As such, the undersigned will view that evidence in the light most favorable to the claimant, and assume that the evidence said what claimant alleged.

Therefore, the undersigned holds that the Department was on notice with regard to claimant's new address, and should have sent the materials to claimant at her new address. The undersigned notes that this does not mean that claimant's caseworker

was aware of the new address; it is quite possible that while claimant had changed her address, claimant's caseworker was never notified of the change by the Department.

As the materials should have been sent to the new address, the undersigned holds that they were effectively never sent; as such, claimant's FAP benefits should suffer no interruption until claimant has been given a chance to respond to the materials in question, which would be 17 days after the materials are actually sent.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to close claimant's FAP case was incorrect.

Accordingly, the Department's decision in the above stated matter is, hereby, REVERSED.

The Department is ORDERED to reopen claimant's FAP case retroactively to the date of the negative action. The Department may, if it so requires, resend a redetermination packet to the claimant for the time period in question.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/12/10

Date Mailed: 08/12/10

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.

RJC/dj

cc:

