

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.: 201040609
Issue No.: 3019
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 21, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne 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 June 22, 2010. After due notice, a three way telephone hearing was conducted from Detroit, Michigan on July 21, 2010. The Claimant appeared and testified. [REDACTED], FIS and [REDACTED], FIM appeared for the Department.

ISSUE

Whether the Department properly denied the Claimant Food Assistance Program ("FAP") benefits based on failure to return verifications effective 6/22/10?

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 applied for FAP benefits on 5/20/10.
2. Claimant was approved on 5/27/10 for May and June, 2010 for expedited FAP benefits.
3. On May 27, 2010 the Department sent Claimant a verification check list with a due date of 6/7/10. (Exhibit 1, p. 6).
4. Claimant testified that he didn't have any income and was uncertain how to comply with the verification request.
5. The Department denied Claimant FAP benefits on 6/8/10 when no verifications were received. (Exhibit 1, p. 1).

6. On 6/22/10, the Department received Claimant's verifications. (Exhibit 1, p. 8).
7. On June 22, 2010, the Department also received the Claimant's hearing request protesting the denial 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 Table ("RFT").

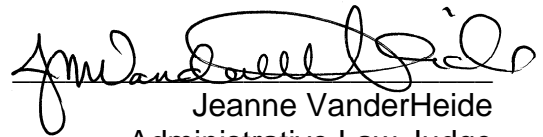
Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105, p. 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130, p. 1. Clients 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. 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. The client must obtain required verification, but the Department must assist if the client needs and requests help. If neither the client nor the Department can obtain verification despite a reasonable effort, the best available information should be used. If no evidence is available, the Department should use its best judgment. BAM 130, p. 3.

In the record presented, Claimant testified that he was not sure how to comply with the verification as he was not working during the winter. Claimant indicated that he contacted the Department to discuss how he should comply. However, the Administrative Law Judge finds that Claimant called the Department to discuss the verification request after the due date for the verifications was past and the case was already closed. Had the testimony revealed that Claimant had contacted the Department prior to the verification due date, the Department should have granted an extension to allow Claimant time to comply. In this case, however, the undersigned finds that the Claimant did not make a reasonable effort to comply prior to the expiration date. Accordingly, based upon the foregoing facts and relevant law, it is found that the Department's determination is AFFIRMED. The Claimant is encouraged to reapply for FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds that the Department properly denied the Claimant ongoing FAP benefits.

Accordingly, the Departments 6/8/10 FAP closure is AFFIRMED.



Jeanne VanderHeide
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: July 23, 2010

Date Mailed: July 23, 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 of the rehearing decision.

JV/hw

cc:

