

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.: 201042168
Issue No.: 3002
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 4, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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. After due notice, a telephone hearing was held on August 4, 2010. The Claimant appeared and testified. [REDACTED], FIM appeared on behalf of the Department.

ISSUE

Did the Department properly determine Claimant's Food Assistance Program benefits?

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 applied for FAP benefits on May 24, 2010.
- (2) The Department determined that Claimant's FAP benefit would be \$30 for June 2010; \$2 for July 2010 and close effective August 1, 2010.
- (3) Claimant's income from [REDACTED] ended June 11, 2010.
- (4) Claimant's income from [REDACTED] ended July 2, 2010.
- (5) Claimant requested a hearing on July 1, 2010 contesting the determination of FAP benefits.

- (6) Claimant agreed at hearing that the determination of June 2010 FAP benefit was correct.

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 Program Reference Manual ("PRM").

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The questionable information might be from the client or a third party. Id. The Department can use documents, collateral contacts or home calls to verify information. Id. The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. BAM 130, p.4; BEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130, p. 4.

In the present case, Claimant credibly testified that her employment with [REDACTED] ended on June 11, 2010. Claimant further credibly testified that her last income from [REDACTED] was July 2, 2010. Claimant timely reported that these sources of income ended. The Department's determination of FAP benefits improperly included income from these sources.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department improperly determined the Claimant's FAP benefits, and it is ORDERED that the Department's decision in this regard be and is hereby REVERSED. FAP benefits shall be reinstated and rebudgeted for July 2010 going forward, removing income from [REDACTED] and budgeting \$90 income from [REDACTED] for July 2010. Any increase in benefits shall be paid to Claimant in the form of a

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supplement.

/s/



Aaron McClintic
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: August 9, 2010

Date Mailed: August 9, 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.

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