

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.: 2010-5811
Issue No.: 3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
January 6, 2010
Oakland County DHS (3)

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 January 6, 2010. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Is the department correct in denying claimant's FAP application for failure to provide verifications?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) Claimant applied for FAP, MA, and SDA on April 14, 2009.
- (2) Claimant's application for FAP, MA and SDA was denied on June 10, 2009 for failure to provide requested verifications.
- (3) Claimant reapplied for FAP, MA, and SDA in July 2009.

- (4) Claimant's applications regarding MA and SDA are still pending.
- (5) Claimant was given a verification checklist on August 11, 2009 requesting verification of income, shelter, and monies given by friends or family, as well as record of birth, with a August 24, 2009 due date.
- (6) Claimant did not submit requested verifications prior to the due date and the FAP application was denied.
- (7) Claimant requested a hearing on September 25, 2009 contesting the denial of 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 Program Administrative Manual ("PAM"), the Program Eligibility Manual ("PEM"), and the Program Reference Manual ("PRM").

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. PAM 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. PAM 130, p.4; PEM 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. PAM 130, p. 4. Before making an

eligibility determination, however, the department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. PAM 130, p. 6.

This Administrative Law Judge finds that the Department was correct in requesting verification of income, shelter, and monies given by friends or family, as well as record of birth. Claimant failed to prove that verifications were submitted and thus the Department was correct in denying FAP benefits for failing to cooperate. Claimant presented no evidence that verifications were submitted and thus it was proper and correct for the Department to deny benefits.

There was some testimony at hearing regarding claimant's June 2009 application but this Administrative Law Judge can only review actions taken by the Department within 90 days of the request for hearing. Claimant's request for hearing is dated September 25, 2009 so only actions taken after June 25, 2009 can be addressed. The original denial occurred on June 10, 2009 and thus cannot be addressed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the department was correct in the denial of FAP benefits, and it is ORDERED that the department's decision in this regard be and is hereby AFFIRMED.



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

Date Signed: 2/8/2010

Date Mailed: 2/8/2010

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.

AM/jlg

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