

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: 2010-977

Issue No: 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

November 4, 2009

Kent 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 [REDACTED] on November 4, 2009.

ISSUE

Whether the Department properly terminated Claimant's Food Assistance Program (FAP) case 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 recipient.
- (2) On July 22, 2009, the Department received Claimant's Semi-Annual Contact Report, but Claimant did not include proof of her income. (Exhibit 6)

(3) On August 12, 2009, the Department sent Claimant a Notice of Potential Food Closure. (Exhibit 3)

(4) On August 31, 2009, Claimant's FAP case closed.

(5) On September 21, 2009, the Department received Claimant's hearing request protesting the termination of her FAP benefits. (Hearing Request)

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).

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, the Semi-Annual Contact Report was sent out to Claimant on July 1, 2009. While Claimant timely returned it to the Department on July 22, 2009, there is no question that she did not provide the Department with proof of income by the due date of August 1, 2009.

The Semi-Annual Contact Report clearly states – “You **must** complete this form, sign and date it, and return it to your specialist with proof of income and expenses by 08/01/2009 or your Food Assistance case will close effective 08/31/09. **Answer all of the questions below (use additional paper if needed) and provide proof of income and any changes in your expenses. If you do NOT return this form and all required proofs, your benefits will be cancelled or reduced.**

Claimant testified that she received paychecks from her employer, but she did not receive paystubs and was only able to get paystubs from her employer after asking for two months. She testified that she never contacted the Department to explain this situation. At hearing, she provided a single document created by her employer that listed her pay periods, pay dates, gross pay and net pay that she testified she faxed to the

Department on August 28, 2009. Claimant also provided an October 23, 2009 letter from her employer's Human Resource Director who stated that she "witnessed [REDACTED] faxing all her check stubs from our office on August 28, 2009." The Department testified that it did not receive the "check stub" document.

With the above said, based on the testimony and documentation offered at hearing, I find that the Department established that it acted in accordance with policy in terminating Claimant's FAP benefits for failure to provide requested verification(s).

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with policy in terminating Claimant's FAP benefits for failure to provide requested verification(s).

Accordingly, the Department's FAP eligibility determination is AFFIRMED, it is SO ORDERED.

/S/

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

Date Signed: November 4, 2009

Date Mailed: November 5, 2009

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.

2010-977/smb

SMB/db

cc:

