

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201117692
Issue No.: 3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: 3/30/11
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, an in person hearing was held on March 30, 2011. The Claimant appeared at the hearing along with her Authorized Hearings Representative [REDACTED] through [REDACTED] and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Was the Department correct in closing Claimant's FAP benefit for failing to cooperate?

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, MA and SDA on September 30, 2010.
- (2) Claimant's MA and SDA applications were merged with previous applications and will be addressed in a separate decision.
- (3) Claimant was issued \$200 in FAP in October 2010.
- (4) Shelter verification and employment verifications were sent to Claimant on October 13, 2010 and October 20, 2010 respectively.

- (5) Claimant submitted a completed shelter verification and employment verification prior to the due dates.
- (6) The Department denied Claimant's FAP application on November 15, 2010 due to discrepancies and questionable verifications.
- (7) Claimant requested a hearing on November 15, 2010 contesting the denial of 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 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.

In the present case, Claimant credibly testified that she stopped working on September 6, 2010 after injuring her neck. Claimant further credibly testified that she provided accurate contact information from her employer. The Department testified that they were unable to reach Claimant's former employer. The Department raised its issues with regard to Claimant's shelter verification as well. Claimant credibly testified that she pays no rent to her grandmother whose home she was residing in at the time of application and presently. This Administrative Law Judge is satisfied with Claimant's testimony and finds the requested documents were submitted prior to the deadline. This Administrative Law Judge cannot find that Claimant refused to cooperate or failed to make a reasonable effort to cooperate. Therefore the denial of FAP application was improper and incorrect.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was incorrect in the denial of Claimant's FAP benefits, and it is ORDERED that the Department's decision is hereby REVERSED. Claimant's FAP benefits shall be reinstated back to the date of application. Any missed benefits shall be paid to Claimant in the form of a supplement.



Aaron McClintic
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: April 27, 2011

Date Mailed: April 27, 2011

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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