

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.: 20111811
Issue No.: 3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 4, 2010
SSPC-East County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on November 4, 2010. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Was the Department correct in denying Claimant's FAP application?

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 online on August 20, 2010.
- (2) A verification checklist was sent to Claimant on September 1, 2010 with a September 13, 2010 due date.
- (3) The Department denied Claimant's FAP application on September 20, 2010 for failing to verify stopped income.
- (4) Claimant submitted verifications including the verification of employment prior to the due date.

- (5) Claimant credibly testified that her August 27th paycheck was her last paycheck until she resumed employment in October 2010.
- (6) Claimant requested a hearing on October 1, 2010 contesting the denial of her FAP application.

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"), formerly 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. Obtain verification when: • Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party. BAM 130.

In the present case, Claimant provided a completed employment verification completed by her employer. Her employer failed to enter a date of last employment on the form. Claimant credibly testified at hearing that the August 27, 2010 paycheck submitted to the Department was her last paycheck until she resumed employment in October 2010. This Administrative Law Judge finds that Claimant was sufficiently cooperative and provided adequate proof that her employment stopped on August 27, 2010. Therefore the denial of Claimant's FAP application for failing to provide verification of stopped employment was improper and incorrect.

DECISION AND ORDER

Therefore it is ORDERED that the Department decision to deny Claimant's MA application for failing to return verifications is REVERSED. Claimant's application for FAP shall be reinstated and reprocessed going back to the date of application using

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August 27, 2010 as the date of stopped employment. Any missed benefits shall be paid to Claimant in the form of a supplement.



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

Date Signed: November 8, 2010

Date Mailed: November 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.

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