

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201120106
Issue No: 3008
Case No: [REDACTED]
Hearing Date: March 16, 2011
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on February 4, 2011. After due notice, a telephone hearing was held on Wednesday, March 16, 2011.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) eligibility?

FINDINGS OF FACT

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

1. The Claimant applied for Food Assistance Program (FAP) benefits on January 6, 2011.
2. On January 12, 2011, the Department sent the Claimant a Verification Checklist (DHS-3503) with a due date of January 24, 2011.
3. On January 12, 2011, the Department notified the Claimant that it had approved him for expedited Food Assistance Program (FAP) benefits.

4. On February 4, 2011, the Department notified the Claimant that it would terminate his Food Assistance Program (FAP) benefits effective February 1, 2011, for failure to provide information necessary to determine eligibility.
5. The Department received the Claimant's request for a hearing on February 4, 2011.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp 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. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

The purpose of FAP expedited service is to help the neediest clients quickly. Certain processing requirements and actions are deferred due to the shortened standard of promptness. BEM 117. FAP groups entitled to expedited service must have a Bridge card and access to their benefits no later than the seventh calendar day following the date of application. BEM 117. Food Assistance groups that did not provide all required verifications will not be issued benefits for subsequent months until the FAP group provides the waived verification or completes a redetermination. BEM 117.

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 a 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.

Clients are allowed ten calendar days to provide the verifications requested by the Department. BAM 130, p. 4. The Department should send a negative action notice 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. The Department should extend the time limit no more than once if the client cannot provide the verification despite a reasonable effort. BAM 130, p. 4.

In this case, the Claimant applied for Food Assistance Program (FAP) benefits on January 6, 2011. On January 12, 2011, the Department sent the Claimant a Verification Checklist (DHS-3503) with a due date of January 24, 2011. The Department had requested that the Claimant provide verification of his pension income. On January 12, 2011, the Department notified the Claimant that it had approved him for expedited Food Assistance Program (FAP) benefits. On February 4, 2011, the Department notified the Claimant that it would terminate his Food Assistance Program (FAP) benefits effective February 1, 2011, for failure to provide information necessary to determine eligibility because it did not receive verification of the Claimant's pension income.

The Claimant argued that he hand delivered verification of his pension income to his caseworker. The Claimant was unable to provide evidence that he submitted verification of his pension income to the Department.

The Department's representative testified that the Department has no record of the Claimant submitting verification of his pension income. The Claimant has a duty to ensure that the Department receives the information necessary to determine his eligibility to receive benefits.

Based on the evidence and testimony available during the hearing, the Department has established that it properly terminated the Claimant's Food Assistance Program (FAP) benefits for failure to provide information necessary to determine eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's FAP eligibility.

The Department's FAP eligibility determination is AFFIRMED. It is SO ORDERED.

/s/

Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: March 22, 2011

Date Mailed: March 23, 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 date of the rehearing decision.

KS/vc

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