

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201125096
Issue No: 3008, 1003, 1025
Case No: [REDACTED]
Hearing Date: April 21, 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 March 1, 2011. After due notice, a telephone hearing was held on [REDACTED]

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) and Family Independence Program (FIP) 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 was an ongoing Food Assistance Program (FAP) and Family Independence Program (FIP) recipient until February 1, 2011.
2. The Claimant reported that group member B.T. was no longer employed.
3. On December 6, 2010, the Claimant reported that she could not obtain verification of the final earned income for B.T.
4. On December 10, 2010, the Department confirmed that employment for B.T. had ended.
5. The Department was unable to verify the final earned income for group member B.T. by collateral contact, or through The Work Number.
6. On December 10, 2010, the Department sent the Claimant a Verification Checklist with a due date of December 20, 2010.

7. On January 4, 2011, the Department notified the Claimant that it would terminate her Food Assistance Program (FAP) and Family Independence Program (FIP) benefits as of February 1, 2011, for failure to provide information necessary to determine her eligibility to receive benefits.
8. On January 4, 2011, the Department notified the Claimant that five members of her household were ineligible for Food Assistance Program (FAP) and Family Independence Program (FIP) benefits due to noncooperation with the Office of Child Support.
9. The Department received the Claimant's request for a hearing on March 1, 2011, protesting the termination of her Food Assistance Program (FAP) benefits.

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, et seq. The Department of Human Services (DHS or Department) administers the FIP program pursuant to MCL 400.10, et seq., and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. 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).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130. 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. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130. 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. 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. The Department should extend the time limit no more than once if the client cannot provide the verification despite a reasonable effort. BAM 130.

The client must obtain verification necessary to determine eligibility, but the Department must assist the client if they need and request help. BAM 130. If neither the client nor the Department can obtain the verification despite a reasonable effort, the Department will use the best available information, and if no evidence is available, the Department will use its best judgment. BAM 130.

In this case, the Claimant reported to the Department that a member of her household was no longer employed. The Department requested that the Claimant verify the loss of employment, and provide verification of the final compensation that group member [REDACTED] had received. On December 6, 2010, the Claimant reported to the Department that she could not obtain verification of the final earned income for [REDACTED]. On December 10, 2010, the Department confirmed that employment for [REDACTED] had ended. The Department was unable to verify the final income for group member [REDACTED] by collateral contact, or through The Work Number.

On December 10, 2010, the Department sent the Claimant a Verification Checklist with a due date of December 20, 2010. When the Claimant did not receive the verification of the final income of group member [REDACTED] by the due date, on January 4, 2011, the Department notified the Claimant that it would terminate her Food Assistance Program (FAP) and Family Independence Program (FIP) benefits as of February 1, 2011.

In this case, the Claimant reported that a member of her household was no longer working and that she was unable to obtain verification of that person's final compensation. The Department attempted to assist the Claimant with obtaining the necessary verification, but was also unable to locate it.

This Administrative Law Judge finds that the Claimant made a reasonable attempt to provide the Department with verification of the final compensation of group member [REDACTED].

This Administrative Law Judge finds that the Department could have used its best judgment and prior verification of the income of group member [REDACTED] to determine her final earned income.

In addition to terminating her benefits for failure to provide information necessary to determine her eligibility to receive benefits, the Department notified the Claimant that five members of her household were ineligible for Food Assistance Program (FAP) and Family Independence Program (FIP) benefits for noncooperation with the Office of Child Support.

The Department has the burden of proving that its actions were a proper application of its policies. The Department had a duty to present the following:

- An explanation of the action(s) taken.

- A summary of the policy or laws used to determine that the action taken was correct.
- Any clarifications by central office staff of the policy or laws used.
- The facts which led to the conclusion that the policy is relevant to the disputed case action.
- The DHS procedures ensuring that the client received adequate or timely notice of the proposed action and affording all other rights. BAM 600.

The Department failed to present evidence supporting its determination that the Claimant was noncooperative with the Office of Child Support.

This Administrative Law Judge finds that the Department has failed to establish that the Claimant has not cooperated with the Office of Child Support.

Based on the evidence and testimony available during the hearing, the Department has not established that it properly terminated the Claimant's Food Assistance Program (FAP) and Family Independence Program (FIP) benefits. The Department has not established that it properly disqualified five members of the Claimant's benefit group.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department has not established that it properly determined the Claimant's eligibility for Food Assistance Program (FAP) and Family Independence Program (FIP) benefits.

Accordingly, the Department's Food Assistance Program (FAP) and Family Independence Program (FIP) eligibility determination are REVERSED. It is further ORDERED that the Department shall:

1. Provide the Claimant the opportunity to clarify whether she has cooperated with the Office of Child Support.
2. Initiate a determination of the Claimant's eligibility for Food Assistance Program (FAP) and Family Independence Program (FIP) as of February 1, 2011.
3. Provide the Claimant with written notification of the Department's revised eligibility determination.
4. Issue the Claimant any retroactive benefits she may be eligible to receive, if any.

