

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

IN THE MATTER OF:



Reg. No.: 201126897
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: April 27, 2011
DHS County: Wayne (49)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 held on April 27, 2011. Claimant appeared and testified. [REDACTED] ES, and [REDACTED] FIM, appeared on behalf of the Department of Human Services (Department or DHS).

ISSUE

Was the Department correct in closing Claimant's FAP case due to failure to cooperate with the Department?

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 an ongoing FAP recipient.
2. The Department scheduled a telephone interview with Claimant for January 3, 2011 at 10:30 a.m.
3. Claimant was present and available for the scheduled interview.
4. The Department did not call Claimant at the scheduled time.

5. The Department notified Claimant that Claimant missed the interview.
6. Claimant attempted to contact the Department several times.
7. The Department closed Claimant's FAP case January 31, 2011.
8. Claimant requested a hearing, protesting the closure of her FAP case.

CONCLUSIONS OF LAW

FAP 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 administers the FAP program pursuant to MC L 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) and the Program Reference Manual (PRM.).

Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 105, 130. 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.*

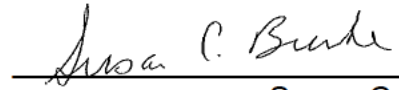
In the present case, the Department scheduled an interview with the Claimant on January 3, 2011, but failed to call the client at the scheduled time. The Department testified that Claimant had not submitted necessary information prior to the telephone interview, so the Department did not call Claimant for the interview. Claimant testified credibly that she was available for the interview and had submitted information to the best of her understanding. Had the Department called Claimant at the time of the scheduled interview, perhaps Claimant and the Department could have reached an understanding as to further documentation needed. In addition, Claimant testified credibly that she attempted to contact the Department several times to no avail. Based on the above discussion, I cannot find that Claimant failed to cooperate and the Department was therefore incorrect in closing Claimant's FAP case. BAM 130.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's decision to close Claimant's FAP case was incorrect and, therefore, it is ORDERED that its decision is REVERSED. It is further ORDERED that the Department shall reinstate Claimant's FAP case effective January 31, 2011, if

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Claimant is otherwise eligible, and all missed benefits shall be made in the form of a supplement.



Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: May 4, 2011

Date Mailed: May 4, 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.

SCB/hw

cc:

