

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

IN THE MATTER OF:

[REDACTED]

Reg No: 2011-29589
Issue No: 3008
Case No: [REDACTED]
Hearing date:
May 12, 2011
Wayne County DHS (19)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 received by the Department on April 6, 2011. After due notice, a telephone hearing was conducted from Detroit, Michigan on May 12, 2011. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's Food Assistance (FAP) application due to Claimant's failure to return information requested by the Verification Checklist by the due date?

FINDINGS OF FACT

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

1. The Claimant applied for Food Assistance (FAP) benefits on February 8, 2011.

2. The Claimant was sent a verification checklist requesting that he provide proof of income, rent, child support, and divorce documents. The Verification Checklist was received by the Claimant.
3. The Claimant filed all of the requested verification information by the due date, February 17, 2011, and dropped the information in the Department drop box and signed the sign in sheet.
4. The Claimant's caseworker did not receive the verification information and denied the application on March 5, 2011.
5. The Department representative stated that she often did not receive her mail when clients turned in information and that the mail is sometimes lost in transit.
6. The Claimant reapplied for FAP benefits and currently has an open case and is receiving FAP benefits.
7. The Claimant requested a hearing on March 22, 2011, protesting the denial of her Food Assistance application for failure to verify the requested information. The hearing request was received by the Department on April 6, 2011.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) 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) 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) and the Reference Tables (RFT).

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. 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. BAM 130, p.

The Department is required to verify employment and income at application and when a change is reported. If the client fails to verify these items the Department must close the Claimant's case or deny the application for failure to verify the requested information. BEM 554, p. 11. The verification checklist advises clients that the proofs must be provided by the due date and that failure to return the information may cause benefits to be denied.

In this case, the Department mailed out a Verification Checklist requesting several pieces of information including verification of employment income. The Claimant testified credibly that all of the requested information was provided to the Department by the due date, that it was deposited in the drop box, and that she signed the sign in sheet at the drop box. The Department representative testified that she often does not receive her mail from clients and that it was possible the Claimant's package was lost by the Department in transit. In this case, because of the Claimant's credible testimony, and the honest admission by the Department that there appears to be problems receiving mail from clients, it must be found that there was no refusal to cooperate and that the information was delivered in a timely manner by the Claimant.

Accordingly, it is determined that the denial of the application must be reversed and that the application must be reinstated and reprocessed as of the application date February 8, 2011, as there was no refusal to cooperate by the Claimant.

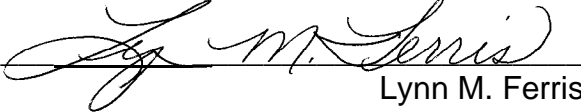
Based on the foregoing, it is found that the Department's denial of the Claimant's FAP application was in error and that the Claimant did not refuse to cooperate with the Department in providing the requested verification information and, therefore, the Department denial of the Claimant's FAP application is REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the denial of the Claimant's February 8, 2011 FAP application, for failure to verify information by the due date, is in error and is REVERSED.

Accordingly, it is ORDERED:

1. The Department is ordered to reinstate the Claimant's February 8, 2011 FAP application and is required to reprocess the application.
2. The Department shall issue the Claimant a FAP supplement for any FAP benefits she was otherwise entitled to receive from and after February 8, 2011, the first application date.


Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 05/18/11

Date Mailed: 05/18/11

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.

LMF/dj

cc:

[REDACTED]