

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 201130593
Issue No: 3008
Case No: [REDACTED]

Hearing Date:
May 26, 2011
Lapeer 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 17, 2011. After due notice, a telephone hearing was held on Thursday, May 26, 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 was an ongoing Food Assistance Program (FAP) recipient until February 1, 2011.
2. On December 8, 2010, the Claimant reported to the Department that her employment had ended on November 22, 2010.
3. On December 8, 2010, the Department sent the Claimant a Verification Checklist form and a Verification of Employment form with due dates of December 20, 2010. The Department requested verification that the Claimant's employment had ended.

4. On January 11, 2011, the Department had not received the Claimant's verification documents, and it notified the Claimant that her Food Assistance Program (FAP) benefits would be closed for failure to provide information necessary to determine her eligibility to receive benefits.
5. The Department received the Claimant's request for a hearing on February 17, 2011, protesting the termination of her Food Assistance Program (FAP) benefits. The request was received 37 days after the Department sent its notice of case action.

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).

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 Claimant was an ongoing Food Assistance Program (FAP) recipient until February 1, 2011. On December 8, 2010, the Claimant reported to the Department that her employment had ended on November 22, 2010. On December 8, 2010, the Department sent the Claimant a Verification Checklist form and a Verification of Employment form with due dates of December 20, 2010. The Department requested that the Claimant provide verification that her employment had ended. On January 11, 2011, the Department had not received the Claimant's verification documents, and it

notified the Claimant that her Food Assistance Program (FAP) benefits would be closed for failure to provide information necessary to determine her eligibility to receive benefits.

The Claimant testified that she had submitted the Verification of Employment form to her former employer and relied on him to forward it to the Department. The Claimant testified that she assumed the form had been submitted to the Department until she received notice that her Food Assistance Program (FAP) benefits had been terminated.

The Claimant had a duty to cooperate with the Department's efforts to determine her eligibility to receive benefits. This duty cannot be delegated to a third party. Although the Claimant had reason to believe that the Verification of Employment form had been taken care of, it remained her duty to provide the Department with verification of her loss of employment. The Verification Checklist the Department sent the Claimant instructed the Claimant that loss of employment could be verified by employment records, employer statements, or the Verification of Employment form. Therefore, the Claimant was not dependent on her former employer to provide the Department with verification of her job loss.

No evidence was presented during the hearing that the Claimant requested an extension to the verification checklist due date, or that she had requested assistance with obtaining the necessary verification documents.

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 when the Claimant failure to provide information necessary to determine her eligibility to receive benefits.

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 Food Assistance Program (FAP) eligibility.

The Department's Food Assistance Program (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: May 27, 2011

Date Mailed: May 27, 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/tg

cc:

