

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

IN THE MATTER OF:



Reg. No: 2011-30760  
Issue No: 3008



ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

**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 May 24, 2011. The claimant appeared and provided testimony.

**ISSUE**

Did the department properly terminate the claimant's Food Assistance Program (FAP) benefits for failure to return the required review materials?

**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's FAP case came due for a semi-annual review in September, 2010. (Department Exhibit 1 - 2)
2. The claimant was mailed a Semi-Annual Contact Form (DHS-1046) on September 1, 2010. The redetermination materials were due to the department on October 1, 2010. (Department Exhibit 1 – 2)
3. The claimant submitted the Semi-Annual Contact Form on September 30, 2010, but no verifications were provided with the form. (Department Exhibit 1 – 2)
4. On October 31, 2010, the claimant's FAP case closed for failure to return the required verifications.

5. On November 5, 2010, the claimant submitted a hearing request.

### **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 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) and the Program Reference Manual (PRM).

Department policy states:

#### **CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES**

##### **Responsibility to Cooperate**

###### **All Programs**

**Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. BAM, Item 105, p. 5.**

##### **Refusal to Cooperate Penalties**

###### **All Programs**

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. BAM, Item 105, p. 5.

##### **Verifications**

###### **All Programs**

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See BAM 130 and BEM 702. BAM, Item 105, p. 8.

##### **Assisting the Client**

###### **All Programs**

The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or **not** fluent in English. BAM, Item 105, p. 9.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. BAM, Item 130, p. 1.

## **Obtaining Verification**

### **All Programs**

Tell the client what verification is required, how to obtain it, and the due date (see “**Timeliness Standards**” in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification. BAM, Item 130, p. 2.

The client must obtain required verification, but you must assist if they need and request help. BAM, Item 130, p. 2.

### **Timeliness Standards**

#### **All Programs (except TMAP)**

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit at least once. BAM, Item 130, p. 4.

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM, Item 130, p. 4.

The claimant is required to comply with the department in providing the verification materials necessary to allow the department to determine initial or ongoing eligibility. BAM 105. Department policy indicates that a complete redetermination is necessary at least every 12 months. BAM 210. FAP benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is established. BAM 210.

In this case, the department contends that the claimant submitted the Semi-Annual Contact Form (DHS-1046), but failed to provide the required verifications—specifically, paycheck stubs or verification of a job loss. The claimant testified that her job ended sometime in June or July. Claimant further testified that her employer had completed a job loss form and faxed it to the department. Claimant also testified that she called several times to see if the department received the form, but no one answered and the voice mailbox was full, so she was unable to leave a message.

The department checked through the client’s entire case file and found no verification of the job loss turned in at any time. Further, there are no telephone notes to indicate the claimant called concerning the end of her employment. The claimant did not have a copy of the form that she had submitted, nor any other documentation to show that the information was submitted.

This information is necessary for the department to be able to budget the claimant’s case. When the department did not receive the information necessary, they were unable to recertify the claimant’s case, so her benefits expired on October 31, 2011.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly terminated the claimant's FAP benefits because the claimant did not return the required verifications for her review.

Accordingly, the department's actions are UPHeld. SO ORDERED.

\_\_\_\_\_/s/\_\_\_\_\_  
Suzanne L. Keegstra  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: 6/2/11

Date Mailed: 6/3/11

**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 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

SM/ds

■ [REDACTED]