

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201132382
Issue No.: 3008; 6015
Case No.: [REDACTED]
Hearing Date: June 2, 2011
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Susan 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 June 2, 2011. Claimant appeared and testified. The Department of Human Services (Department or DHS) was represented by [REDACTED], ES and [REDACTED], Supervisor.

ISSUE

Was the Department correct in closing Claimant's Food Assistance Program (FAP) case and denying Claimant's Child Development and Care (CDC) application 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. Claimant applied for CDC on [REDACTED].
3. The Department issued a Verification Checklist requiring Claimant to produce verification by [REDACTED].
4. Claimant requested an extension because she did not receive the Verification Checklist.
5. The Department issued Verification of Employment on [REDACTED], with a due date of [REDACTED].

6. Claimant received the Verification of Employment during a period of illness which Claimant verified with medical documentation at the hearing.
7. Claimant did not submit the Verification of Employment by the due date of [REDACTED] due to her being ill.
8. On [REDACTED], the Department closed Claimant's FAP case effective [REDACTED] and denied Claimant's CDC application due to failure to verify necessary information.
9. Claimant requested a hearing protesting the closure of her FAP case and denial of her CDC application.

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 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.

The CDC program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

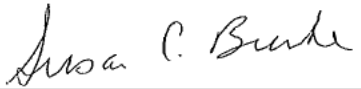
Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 130. The questionable information might be from the client or a third party. *Id.* The Department can use documents, collateral contacts or home calls to verify information. *Id.* 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 the information should be extended at least once. BAM 130. 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.

In the present case, Claimant testified credibly that she requested the Verification of Employment Form because she did not initially receive the form from the Department

when her worker told her she would receive it. When Claimant did eventually receive the form from the Department in [REDACTED] she was ill, as evidenced by the Medical Discharge Instructions of [REDACTED]. This Administrative Law Judge cannot find that Claimant failed to cooperate, as she took steps to cooperate with the Department but was unable to function during a period of time in which she required medical treatment. Since Claimant did not fail to cooperate with the Department, the Department was incorrect in closing Claimant's FAP case and in denying Claimant's CDC application. 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 and deny Claimant's CDC application for failing to cooperate was incorrect and, therefore, it is ORDERED that the Department's decision is REVERSED. It is further ORDERED that Claimant's FAP case shall be reinstated and benefits restored, effective [REDACTED], and Claimant's CDC application of [REDACTED] shall be reinstated and reprocessed, and, if Claimant otherwise qualifies, all missed benefits of FAP and CDC shall be made in the form of supplemental payments.



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

Date Signed: 6/8/11

Date Mailed: 6/8/11

201132382/SB

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.

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