

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

IN THE MATTER OF:

██████████
560 DECKER RD
██████████ ██████████

Reg. No.: 201132394
Issue No.: 2006; 3008
Case No.: ██████████
Load No.: ██████████
Hearing Date: June 2, 2011
DHS County: Oakland County
DHS (03)

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 June 2, 2011. Claimant appeared and testified by three-way phone conference. The Department of Human Services (Department or DHS) was represented by ██████████, Assistance Payments Worker.

ISSUE

Was the Department correct in closing Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) cases 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 and MA recipient.
2. The Department issued a Verification of Employment with a due date of ██████████.
3. Claimant did not receive the Verification of Employment form.
4. Claimant went to the Department office twice and attempted to contact her worker regarding which form Claimant was to submit but the worker was not available.

5. Claimant attempted to contact her worker by phone several times, but the worker did not return her calls.
6. Claimant did not submit the Verification of Employment by the due date.
7. The Department closed Claimant's FAP case on February 28, 2011 and closed Claimant's MA case effective April 1, 2011 due to failure to verify necessary information.
8. Claimant requested a hearing protesting the closure of her FAP and MA cases.

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 Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM), which includes Reference Tables (RFT).

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 during a phone interview on [REDACTED], Claimant's worker said she would leave a Verification of Employment form for Claimant at the DHS office. Claimant went to the Department office more than once in an attempt to contact the worker and obtain the form. Claimant also attempted

to contact the worker by phone several times, but the worker did not return her phone calls. This Administrative Law Judge cannot find that Claimant failed to cooperate, as she took steps to cooperate with the Department but was unable to contact the worker to obtain the proper form by the due date. Since Claimant did not fail to cooperate with the Department, the Department was incorrect in closing Claimant's FAP and MA cases. 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 and MA cases due to failure to cooperate with the Department 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, if Claimant otherwise qualifies, all missed benefits shall be made in the form of supplemental payments. It is further ORDERED that Claimant's MA case shall be reinstated effective [REDACTED].

/s/ _____
Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 8, 2011

Date Mailed: June 8, 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.

SBC/ctl

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cc:

