

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

IN THE MATTER OF:



Reg No: 2011 34207
Issue No. 3008, 6015
Case No: [REDACTED]
Hearing Date:
June 14, 2011
Wayne County DHS (15)

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 hearing. After due notice, a telephone hearing was conducted by the undersigned in Detroit, Michigan on June 14, 2011. The Claimant was present and testified. Vivian Turner, FIM and David Green, ES appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's application for Food Assistance (FAP) benefits and Child Development and Care Assistance (CDC) for failure to verify information.

FINDINGS OF FACT

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

1. The Claimant applied for Food Assistance and CDC benefits January 28, 2011.
2. The Claimant was sent a verification checklist on February 1, 2011, with a due date of February 11, 2011.

3. The Claimant faxed the verification information to the Department on February 10, 2011. Claimant Exhibit 1.
4. At the hearing, the Claimant provided proof of faxing the information. The information faxed by the Claimant was faxed to the correct number for the Department and contained all the requested information. Claimant Exhibit 1.
5. The Department did not receive the fax information and denied the Claimant's application on May 8, 2011, for failure to verify information Exhibit 1
6. The Department closed the Claimant's case for failure to provide the verification information by the due date.
7. The Claimant requested a hearing on March 30, 2011 and April 7, 2011, protesting the denial of her application for Food Assistance and CDC Assistance as she provided the requested verification information by the due date.

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 (formerly known as the Family Independence Agency) 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 Table (RFT).

The Child Development and Care 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 of Human Services (formerly known as the Family Independence

Agency) 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 Bridges Program Reference Manual (PRM).

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 5.

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. The Claimant testified credibly that she faxed the

information to the Department before the due date. At the hearing, the Claimant also provided verification that she faxed the requested verification information to the Department at the correct number and before the due date. Claimant Exhibit 1. Given this information, the Claimant has demonstrated that she did not refuse to cooperate and that she properly faxed the information in a timely manner to the correct fax number for the Department with her case number also on the fax.

In this case, because of the Claimant's credible testimony and the honesty, there appears to be problems receiving faxes within the Department and the Claimant did everything she could do to insure that the verification information was received by the Department by the due date. Therefore, it must be found that there was no refusal to cooperate and that the information was delivered in a timely manner by the Claimant.

Based on the foregoing, it is found that the Department's denial of the Claimant's FAP and CDC 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's determination is REVERSED.

DECISION AND ORDER

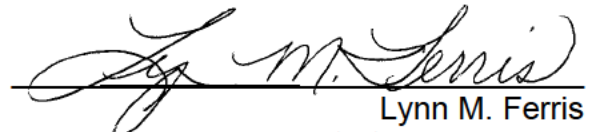
The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the denial of the Claimant's FAP and CDC application was in error and that the Claimant did not fail to verify information by the due date. Therefore the Departments determination to deny the Claimant's application is REVERSED.

Accordingly, it is ORDERED:

1. The Department is ordered to reinstate the Claimant's Fap and CDC application retroactive to the date of application, January 28, 2011, and to

process the application and make a determination of the Claimant's eligibility for FAP and CDC.

2. The Department shall issue the Claimant a FAP supplement for any FAP benefits the Claimant was otherwise entitled to receive retroactive to the date of application, January 28, 2011.


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

Date Signed: 06/16/11

Date Mailed: 06/20/11

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.

LMF/dj

cc:

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