

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]  
Grand Rapids, MI 49507

Reg. No: 2011-35159  
Issue No: 3008  
[REDACTED]  
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

HEARING DECISION

This matter is before me 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 21, 2011. The Claimant personally appeared and provided testimony.

ISSUES

1. Did the department properly close the claimant's Food Assistance Program (FAP) benefits for failure to return the required Redetermination information?

FINDINGS OF FACT

I find as material fact, based upon the competent, material and substantial evidence on the whole record:

1. Claimant collected FAP benefits from March 2010 through April 30, 2011.
2. On December 6, 2010, Claimant moved from [REDACTED] Summary, Department Exhibit 7).
3. On or around February 28, 2011, Claimant lost her job.
4. On March 15, 2011, the Department sent Claimant a DHS-574 Redetermination Telephone Interview form and a DHS-1010 Redetermination form. Both forms were sent to Claimant's address on record ([REDACTED]). (Hearing Summary, Department Exhibit 2-6).

5. On April 4, 2011, Claimant submitted to the Department a Shelter Verification form changing her address to [REDACTED]. (Department Exhibit 7-8).
6. On April 4, 2011, the Department sent Claimant a Notice of Missed Interview form. (Department Exhibit 9).
7. On April 12, 2011, the Department sent Claimant a new DHS-1010 Redetermination form and DHS-38 Employment form. (Hearing Summary).
8. On April 14, 2011, the Department sent Claimant a Quick Note regarding follow up instructions for the redetermination packet and employment form. (Department Exhibit 10).
9. On April 27, 2011, the Claimant submitted to the Department the DHS-38 Employment form and pages 3 and 4 of the DHS-1010 Redetermination form. (Hearing Summary, Department Exhibit 13, 15).
10. On April 30, 2011, the Department closed the Claimant's FAP benefits for not providing the required redetermination information. (Hearing Summary).

### CONCLUSIONS OF LAW

The 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 Bridges Reference Manual (BRM).

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.

Department policy indicates that clients must cooperate with the local office in determining initial and ongoing eligibility, which includes completion of the necessary forms. (BAM 105). BAM 210 requires periodic reviews of a claimant's eligibility for benefits.

On April 12, 2011, the Department mailed Claimant a second Redetermination form. On April 27, 2011, the Claimant submitted an incomplete Redetermination. Therefore the Department properly closed Claimant's FAP benefits upon a determination the Claimant was uncooperative in assisting the office in determining ongoing eligibility.

I also find it worth noting, the Claimant has shown a pattern of being untimely. Although the Claimant moved on December 6, 2010, it took the Claimant until April 4, 2011 to notify the Department of her relocation.

Accordingly, I find evidence to affirm the Departments actions.

#### DECISION AND ORDER

I find, based upon the above findings of fact and conclusions of law, decide that:

1. The Department properly closed the Claimant's FAP benefits as the Claimant's Redetermination information was incomplete.

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/s/  
Corey A. Arendt  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: 6/24/11

Date Mailed: 6/24/11

**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.

CAA/ds

■ [REDACTED]