

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

IN THE MATTER OF:



Reg. No. 2011-35582
Issue No. 3008
Case No. [REDACTED]
Hearing Date: June 23, 2011
Wayne County DHS

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 23, 2011. Claimant appeared and testified. [REDACTED] Jr., FIM, and [REDACTED] ES, appeared on behalf of the Department of Human Services (DHS or Department.)

ISSUE

Was the Department correct in its decision to decrease Claimant's Food Assistance Program (FAP) benefits due to refusal to cooperate with the Department?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of FAP.
2. The Department issued a Verification Checklist on April 7, 2011 requesting proofs by April 18, 2011.
3. Claimant did not receive the Verification Checklist.
4. The Department issued a Notice of Case Action of April 29, 2011, stating that Claimant's FAP benefits would decrease effective May 1, 2011 due to failure to verify information.
5. Claimant requested a hearing, protesting the negative action.

CONCLUSIONS OF LAW

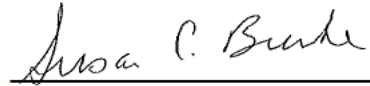
The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the FAP program pursuant to CML 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).

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 did not receive the issued verification checklist, with the possible reason that she shares a mail box. Claimant further testified that when she received the Notice of Case Action, she contacted the Department, asked which documents she needed, and provided them to the Department as soon as possible. Based on the above discussion, I cannot find that Claimant refused to cooperate with the Department. Therefore, the Department's decision to decrease Claimant's FAP benefits was not correct.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law decides that the Department's decision to decrease Claimant's FAP benefits was not correct, and it is therefore ORDERED that the Department's decision is REVERSED. It is further ORDERED that the Department shall restore Claimant's FAP benefits effective May 1, 2011, if Claimant is otherwise eligible, and any missed or increased payments shall be made in the form of a supplement.



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

Date Signed: 6/27/11

Date Mailed: 6/27/11

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.

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