

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

IN THE MATTER OF:



Reg. No.: 201137626
Issue No.: 3008,1005
Case No.: [REDACTED]
Hearing Date: August 11, 2011
WAYNE County DHS (76)

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 a hearing. After due notice, a telephone hearing was held on August 11, 2011. The claimant appeared and testified. [REDACTED], FIM and [REDACTED], case worker appeared on behalf of the Department.

ISSUE

Did the Department properly close the Claimant's Food Assistance (FAP) and Cash Assistance (FIP) case for failure to provide verification of residence.

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 was an ongoing recipient of cash assistance (FIP) and food assistance (FAP).
2. The Department closed the Claimant's FIP and FAP cases on June 1, 2011 for failure to verify information. Exhibit 1.
3. The Department received back many letters that it sent to the Claimant at her residence as undeliverable. The period of time involved February 2011, through April 2011.

4. The Claimant was living at the address that the department used to mail information to the Claimant during the time that the mail was returned.
5. The Claimant spoke to the post office about the problem and thought it was resolved.
6. The Claimant was sent a verification request dated March 25, 2011. requesting that she verify her shelter address by April 4, 2011. Exhibit 2.
7. The Claimant returned the shelter verification on April 1, 2011.
8. The Department sent the Claimant the shelter verification in an effort to resolve and confirm where the Claimant was living, and establish her residence because of the returned mail problem.
9. The Claimant requested a hearing on June 9, 2011 protesting the closure of her FIP and FAP cases for refusal to verify information.

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 Bridges Reference Manual (BRM).

The Family Independence Program ("FIP") was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services ("DHS" or "Department"), formerly known as the Family Independence Agency, administers the FIP program pursuant to MCL 400.10, *et seq* and Michigan Administrative Code Rules 400.3101-3131. Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Manual ("BRM").

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.

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.

In this case, the Department was having difficulty contacting the Claimant by mail, as much of the correspondence it sent the Claimant was being returned to the Department. The Department, in an effort to resolve the situation, sent the Claimant a shelter verification to establish that the mail was being sent to the correct address. The Claimant returned the verification in a timely manner.

The Department clearly had received cooperation from the Claimant in attempting to resolve the residency issue and where to send the mail. The Claimant also contacted the post office about the mail delivery problem. Based on the Department's proofs submitted at the hearing, once the Claimant provided the shelter verification to prove her residency, the Claimant had cooperated and the Department presented no basis to close the Claimant's case for refusal to verify information. Exhibit 2. While the Department is entitled and required to communicate with its clients, in this case the closure of the Claimant's FIP and FAP cases was not supported by the record presented for refusal to verify information. The Department did not meet its burden of proof.

DECISION AND ORDER

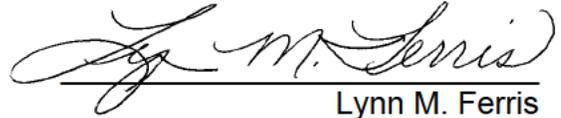
The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the claimant did not refuse to cooperate and timely filed the shelter verification sent to her to establish her residency. The Department's closure of the Claimant's FIP and FAP case for failure to allow the Department to verify information was not supported by the evidence, and is REVERSED.

Accordingly it is ORDERED:

1. The Department shall reopen and reinstate the Claimant's FIP case retroactive to the date of closure, June 1, 2011, and shall issue a supplement to the Claimant for any FIP benefits she was otherwise entitled to receive in accordance with Department policy.

201137626/LMF

2. The Department shall reopen and reinstate the Claimant's FAP case retroactive to the date of closure, June 1, 2011, and shall issue a supplement to the Claimant for any FAP benefits she was otherwise entitled to receive in accordance with Department policy.



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

Date Signed: August 17, 2011

Date Mailed: August 17, 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 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 receipt 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/hw

cc:

