

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201137820
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: July 13, 2011
WAYNE (31)

ADMINISTRATIVE LAW JUDGE: Yasmin J. Elias

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant's request for a hearing. After due notice, a telephone hearing was held on July 13, 2011 in Detroit. The Claimant appeared and testified. [REDACTED] appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether Claimant refused to cooperate with DHS in providing income or employment verification in support of her Redetermination for Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

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

1. In 2010, the Claimant applied for, and was approved to receive FAP benefits.
2. Sometime in the spring of 2011, an agency cross-match check conducted by DHS yielded information that the Claimant may be receiving potentially unreported employment income.
3. On, or about mid May 2011, DHS sent a Verification Checklist to the Claimant requesting employment information by June 2, 2011.
4. On June 2, 2011, DHS issued a Notice of Case Action informing the Claimant

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that her FAP benefits would be terminated effective July 1, 2011, due to her failure to provide DHS with the requested information.

5. On June 14, 2011, Claimant filed a Request for a Hearing with DHS.
6. At the Administrative Hearing on July 13, 2011, the Claimant testified that she never received the employment or income verification checklist that was mailed to her in mid May, 2011.
7. The Claimant also testified that she previously submitted copies of her employment contract with income verification to her previous worker on, or about October 26, 2010, and asserted that she has provided all information when requested by any of the several workers that have been assigned to her case.
8. The Claimant's current DHS worker verified that the Claimant's case was transferred to him sometime in April, 2011. He lacked knowledge as to whether the Claimant provided income or employment documents to the previous worker(s) as asserted by the Claimant.
9. At the Administrative Hearing on June 22, 2011, Claimant testified that she is willing to cooperate with the Department by providing a statement of income and/or check stub.

CONCLUSIONS OF LAW

FAP was established by the Food Stamp Act of 1977 and is implemented by Federal regulations in Title 7 of the Code of Federal Regulations. DHS administers the FAP program pursuant to MCL 400.10 *et seq.*, and Michigan Administrative Code Rules 400.3001-400.3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

DHS may require a client to verify information within their application. BAM 130 at p. 1. DHS must give clients at least ten days to submit verifications. BAM 130 at p. 1. After the date passes for submission of verifications, DHS may send a negative action notice if the time period given has elapsed and the client has not made a reasonable effort to provide the information. BAM 130 at p. 5.

Finally, BAM 130, p. 6, requires DHS to give Claimant a reasonable opportunity to resolve any discrepancy between her statements and information from another source before determining eligibility. BAM 130, p. 6.

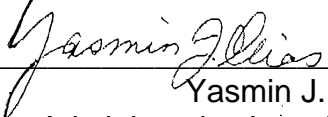
In the present case, it was not disputed that DHS made a proper request concerning verification of the Claimant's income. The Claimant denied receiving the request made through a verification checklist mailed to her in May 2011. She also asserted that she

previously submitted her income and employment information to the worker who was assigned to process her case as of October 26, 2010. The Claimant's testimony in this regard was not implausible and was not disputed. It was impossible to determine, based on the record evidence, why the income or employment information submitted by the Claimant in October 2010 was not reflected in her case file. However, it is possible that such information may have been misplaced, particularly if more than one worker was responsible for the Claimant's file at different times. Thus, based on the evidence presented on the record, it cannot be concluded that the Claimant knowingly or willfully failed to cooperate by failing to submit income or employment information to the DHS when asked to do so.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that DHS improperly terminated the Claimant's FAP benefits on July 1, 2011. The Agency's actions in this regard are therefore REVERSED. IT IS ORDERED that DHS shall:

1. Reinstate Claimant's FAP benefits from the date of closure and supplement for lost benefits that she was entitled to receive if otherwise eligible and qualified.
2. Re-request Claimant's income and/or employment verifications, if necessary, in compliance with their regulations.



Yasmin J. Elias
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: July 15, 2011

Date Mailed: July 15, 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.

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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.

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