

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.: 20113856
Issue No.: 3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 1, 2010
SSPC-EAST County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 December 1, 2010. The Claimant appeared and testified. [REDACTED] and [REDACTED] appeared on behalf of the Department.

ISSUE

Was the Department correct in denying Claimant's FAP application for failing to return verifications?

FINDINGS OF FACT

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

- (1) Claimant applied for FAP benefits online on July 6, 2010.
- (2) An appointment notice was sent to Claimant on July 8, 2010 with a July 14, 2010 11:30am appointment.
- (3) Claimant failed to call in for the scheduled appointment.
- (4) Notice of missed interview was sent to Claimant on July 14, 2010.
- (5) Claimant acknowledged receiving the notice of missed interview.

- (6) On August 4, 2010 Claimant's FAP application was denied for failing to cooperate.
- (7) Claimant requested hearing on August 9, 2010 contesting the denial of FAP benefits.

CONCLUSIONS OF LAW

The Food Assistance Program, 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 ("DHS"), formerly known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental 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 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.

In the present case, Claimant testified she did not receive the initial appointment notice. Claimant acknowledged receiving the notice of missed interview. Claimant further testified that she did not answer the phone when called for the interview because the number was not familiar to her, but complained that no message was left.

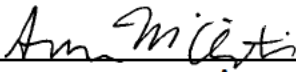
The Department was correct in denying Claimant's application after two interviews were missed. (BAM 130). Claimant failed to make a reasonable effort to cooperate and did not have good cause for failing to do so, therefore the denial of benefits was proper and correct. Claimant was advised to reapply for benefits.

DECISION AND ORDER

Therefore, based on the forgoing findings of fact and conclusions of law it is ORDERED that the Department decision to deny Claimant's FAP application for failing to return

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verifications is AFFIRMED.



Aaron McClintic
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: December 10, 2010

Date Mailed: December 10, 2010

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.

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 of the rehearing decision.

AM/hw

cc:

