

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 2011-39568
Issue No. 3008
Case No. [REDACTED]
Hearing Date: July 25, 2011
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Susan 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 July 25, 2011 in Detroit, Michigan. Claimant appeared and testified. Claimant's father, [REDACTED], also testified on behalf of Claimant. [REDACTED] ES, appeared on behalf of the Department of Human Services (Department.)

ISSUE

Was the Department correct in its decision to close Claimant's Food Assistance Program (FAP) case?

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 to Claimant a verification form on November 16, 2011.
3. Claimant gave to the Department the requested information.
4. In December of 2010, Claimant's DHS case worker told Claimant she received everything requested and he need not take further action.
5. The information requested did not get into Claimant's file.

6. Claimant's new worker issued a Notice of Case Action on April 26, 2011, stating that Claimant's FAP case would close effective June 1, 2011, due to failure to provide verification.
7. Claimant requested a hearing, protesting the closure of his FAP case.

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.

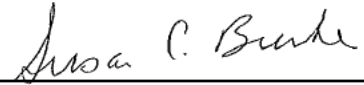
In the present case, Claimant and [REDACTED] testified credibly that Claimant did receive the request for verification form, that he did not submit the requested information to his former worker, now retired, and that the former worker told him he need not submit anything further. Although the new worker could not find the requested information in Claimant's file, I find Claimant and [REDACTED] to be credible in their testimony that Claimant did submit the requested information. Based on the above discussion, I cannot find that Claimant failed to cooperate with the Department and therefore the Department was not correct in its decision to close Claimant's FAP case.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law decides that the Department was not correct in its decision to close Claimant's FAP case. Therefore, it is ORDERED:

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- 1.) The Department's decision to close Claimant's FAP case is REVERSED.
- 2.) The Department shall reinstate Claimant's FAP case, effective June 1, 2011.
- 3.) The Department shall issue supplements for any missed or increased payments.



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

Date Signed: July 26, 2011

Date Mailed: July 26, 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.

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.

SB/cl

cc:

