

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-39764  
Issue No.: 3008  
Case No.: [REDACTED]  
Hearing Date: July 28, 2011  
Oakland County DHS

**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 28, 2011 in Detroit, Michigan. Claimant appeared and testified. Claimant was assisted at the hearing by Interpreter [REDACTED]. The Department of Human Services (Department) was represented by [REDACTED] ES.

**ISSUE**

Was the Department correct in its decision to deny Claimant's Food Assistance Program (FAP) application 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 applied for FAP benefits on October 13, 2010.
2. The Department issued to Claimant a verification checklist on November 10, 2010, with proofs due by November 22, 2010.
3. The Department, through its interpreter, also verbally told Claimant to submit the proofs.
4. The Department denied Claimant's FAP application on December 1, 2010 due to failure to provide verification.

5. Claimant did not provide the proofs or attempt to contact the Department until after her application was denied.
6. Claimant requested a hearing on March 21, 2011, protesting the denial of her FAP application.

### **CONCLUSIONS OF LAW**

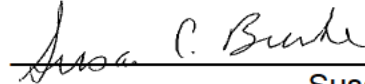
The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as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

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, the Department issued a verification checklist requesting proofs and verbally told Claimant through an interpreter to submit proofs. Claimant testified at the hearing that she did receive the verification checklist, but she did not understand it and the person who helped read her mail was not available. However, Claimant does not deny that she did not even attempt to contact the Department, who has an interpreter in place to assist Claimant. Although Claimant does have a language barrier, she nevertheless is required to cooperate with the Department by providing verifications and by contacting the Department to seek assistance if she is having difficulty with Department instructions. Based on the above discussion, I find that the Department was correct in its decision to deny Claimant's FAP application due to her refusal to cooperate with the Department.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law decides that the Department was correct in its decision to deny Claimant's FAP application of October 13, 2010, and it is therefore ORDERED that the Department's decision is AFFIRMED.

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

Date Signed: 8/1/11

Date Mailed: 8/1/11

**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 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.

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