

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

IN THE MATTER OF:



Reg. No: 201140408
Issue Code: 1005, 3008
Case No: [REDACTED]
Hearing Date: August 2, 2011
Monroe County DHS

ADMINISTRATIVE LAW JUDGE: COREY A. ARENDT

HEARING DECISION

This matter is before me 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 August 2, 2011. The Claimant and Department appeared by telephone and provided testimony.

ISSUE

Did the Department properly close Claimant's Family Assistance Program (FAP) and Family Independence Program (FIP) benefits for failure to provide verification?

FINDINGS OF FACT

I find as material fact, based upon the competent, material and substantial evidence on the whole record:

1. At all times relevant to this hearing, the Claimant received FAP and FIP benefits. (Hearing Summary).
2. On May 25, 2011, the Department mailed the Claimant a DHS-4487 (Unearned Income Notice). (Hearing Summary, Department Exhibit 8).
3. On June 8, 2011, the Department mailed the Claimant a DHS-1605 (Notice of Case Action). The Notice of Case Action stated the Department was closing the Claimants FIP and FAP benefits for failing to submit verification information. (Department Exhibit 3-7).
4. On June 24, 2011, the Claimant requested a hearing appealing the June 8, 2011 Notice of Case Action. (Request for Hearing).

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. (MAC R 400.903(1)).

Clients have the right to contest a Department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide

201140408/CAA

an administrative hearing to review the decision and determine the appropriateness of that decision. (BAM 600).

The FAP (formerly known as the Food Stamp (FS) program) was 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 administers the FAP program pursuant to MCL 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 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 administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the BAM, the BEM and the BRM.

Department policy indicates that clients must cooperate with the local office in determining initial and ongoing eligibility with all programs. (BAM 105). This includes completion of the necessary forms. Clients who are able to but refuse to provide necessary information or take a required action are subject to penalties. (BAM 105).

Clients must take actions within their ability to obtain verifications. (BAM 130; BEM 702). Likewise, DHS local office staff must assist clients who ask for help in completing forms. (BAM 130; BEM 702; BAM 105). Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. The Department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested verification. If the client is unable to provide the verification despite a reasonable effort, the Department must extend the time limit at least once. Should the client indicate a refusal to provide a verification or, conversely, if the time period given has elapsed and the client has not made a reasonable effort to provide it, the Department may send the client a negative action notice. (BAM 130).

In the instant case, the Department requested the Claimant produce specific information in order to maintain her eligibility. The Claimant did not comply with the Department's request because she never received the Department's request for information. The Department was unable to produce the specific document requesting information because the document contains private information and is not made available to the county offices. The Department relied upon a screen print showing the document was mailed to the Claimant.

As a result, I find more likely than not, the Claimant did not receive the Department's request and was therefore unable to comply with the Department's request.

Accordingly, I find the Agency's actions are **reversed**.

DECISION AND ORDER

I find, based upon the above findings of fact and conclusions of law, the Department improperly closed Claimant's FAP and FIP benefits.

Accordingly, the Department's actions are **REVERSED**.

The Department is to initiate a redetermination of the Claimant's FAP and FIP eligibility beginning with June 2011.

/s/

Corey A. Arendt
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: August 2, 2011

Date Mailed: August 3, 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.

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