

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

IN THE MATTER OF:



Reg. No.: 2011-42819
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: August 9, 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 August 9, 2011 in Detroit, Michigan. Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED] and [REDACTED].

ISSUE

Was the Department correct in its decision to close Claimant's Food Assistance Program (FAP) case 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 was an ongoing FAP recipient.
2. The Department issued a Verification Checklist to Claimant on May 13, 2011, with proofs due by May 23, 2011.
3. Claimant submitted the majority of the requested proofs prior to the due date.
4. Claimant contacted the Department on May 21, 2011 and May 23, 2011, asking for assistance in submitting mortgage information.

5. Claimant obtained and submitted the mortgage information, albeit not by the due date.
6. The Department closed Claimant's FAP case effective June 1, 2011, for failure to verify or allow the Department to verify information.
7. Claimant requested a hearing on June 13, 2011, protesting the closure of her 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).

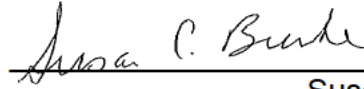
Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 130. The questionable information might be from the client or a third party. *Id.* The Department can use documents, collateral contacts or home calls to verify information. *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 testified credibly that when she received the issued Verification Checklist, she took steps to obtain mortgage information, which she believed was the only missing piece of information, as she had previously submitted pay stubs and other information requested on the Verification Checklist. When Claimant determined that she was having a timing issue, she contacted her Department worker, leaving him telephone messages on two different days. Claimant submitted what she believed to be complete information as soon as she was able. At the hearing, the Department explained that a pay stub for April 29, 2011 was still required. However, it is understandable that Claimant, having submitted pay stubs prior to the Redetermination, thought she had submitted all of the required pay stubs. Based on the above information, I cannot find that Claimant refused to cooperate. Therefore, the Department's decision to close Claimant's FAP case due to refusal to cooperate was not correct.

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, and therefore it is ORDERED that the Department's decision is REVERSED. It is further ORDERED:

1. The Department shall reinstate Claimant's FAP case, effective June 1, 2011, if Claimant is otherwise eligible.
2. The Department shall issue supplements to Claimant for any missed payments.



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

Date Signed: 8/12/11

Date Mailed: 8/12/11

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 of the rehearing decision.

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