

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 201144621
Issue No.: 3008
Case No.: ██████████
Hearing Date: August 18, 2011
Wayne County DHS (17)

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 18, 2011 in Detroit, Michigan. Claimant appeared and testified. The Department of Human Services (Department) was represented by ██████████, ES.

ISSUE

Was the Department correct in its decision to deny Claimant's Food Assistance Program (FAP) application due to refusing to cooperate with the Department in providing verification?

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 on May 27, 2011.
2. The Department issued to Claimant a verification checklist on May 27, 2011 requiring pay stubs by June 6, 2011.
3. The Department denied Claimant's application on June 15, 2011, due to failure to submit the required pay stubs.
4. Claimant submitted the pay stubs on June 16, 2011.

5. Claimant requested a hearing on June 23, 2011, protesting the denial of the 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 Program Reference Manual (PRM).

Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 130. 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 at the hearing that he obtained the required pay stubs, using the assistance of his employer and his employer's clerk. It appears that Claimant made a reasonable effort to obtain the pay stubs, and in fact he did submit the pay stubs, albeit ten days after the due date. It is noted that BAM 130 instructs that the time limit should be extended at least once if the client cannot provide the verification despite a reasonable effort. Based on the above discussion, I cannot find that Claimant refused to cooperate and therefore the Department's decision to deny Claimant's FAP application due to refusal to cooperate was not correct.

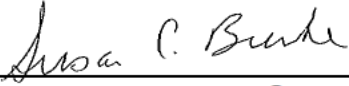
DECISION AND ORDER

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 deny Claimant's FAP application of May 27, 2011, and it is therefore ORDERED that the Department's decision is REVERSED. It is further ORDERED that the Department shall:

1. Re-register Claimant's FAP application effective May 27, 2011.
2. Initiate reprocessing of Claimant's FAP application of May 27, 2011.

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3. Issue supplements for missed payments May 27, 2011 and ongoing if Claimant is found to be eligible.



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

Date Signed: August 24, 2011

Date Mailed: August 24, 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 of the rehearing decision.

SB/hw

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