

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg No: 2011-4635
Issue No: 1005
Case No: [REDACTED]
Hearing Date:
December 8, 2010
Wayne County DHS (57)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing received by the Department on September 29, 2010. After due notice, a telephone hearing was conducted from Detroit, Michigan on December 8, 2010. The Claimant appeared and testified. [REDACTED], the Claimant's mother also appeared and testified as a witness on the Claimant's behalf. Nakesha Woods, FIM, Juwan Gary, Assistant Payments Worker and Darlene Anderson, Jet Case Manager appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's FIP application due to Claimant's failure to return information requested by the Verification Checklist by the due date?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material facts:

- 1) The Claimant applied for FAP Food Assistance on August 4, 2010.

- 2) The Department sent the Claimant a verification checklist on August 14, 2010 which was due by August 24, 2010. Exhibit 1
- 3) At the time of the application, the Claimant advised the Department that she worked for a bakery as a volunteer, 6 days per week and was unpaid.
- 4) At the time of her application, the Claimant was living at the [REDACTED] [REDACTED] shelter and received her mail there.
- 5) The Verification checklist sought verification information about the claimant's employment. Exhibit 1
- 6) A notice of Case Action was issued by the Department on September 2, 2010 denying the Claimant's FAP application because the verification information had not been received by the due date. Exhibit 2
- 7) After the date that the verification of employment was due and her application dated August 4, 2010 for FAP was denied, the claimant submitted a letter from the bakery on September 14, 2010, which was unsigned. Exhibit 3
- 8) The Claimant reapplied for FIP and Medical Assistance on September 14, 2010, which was denied October 13, 2010. This application and its denial post date the Claimant's hearing request of September 29, 2010 and are not the subject of this hearing.
- 9) The Claimant did not return the verification checklist employment information by the August 24, 2010 due date.
- 10) The Department's denial of the Claimant's FAP application was correct.

- 11) The Claimant requested a hearing on September 29, 2010 protesting the denial of her FAP application. The Claimant's hearing request was received by the Department on October 4, 2010.

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 (DHS) 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 Reference Tables (RFT).

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. 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 should be extended at least once. BAM 130, p.4; BEM 702. 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, p. 4. Before making an eligibility determination, however, the department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. BAM 130, p.

The Department is required to verify employment and income at application and when a change is reported. If the client fails to verify these items the Department must

close the Claimant's case or deny the application for failure to verify the requested information. BEM 554, p. 11.

In this case, the Department mailed out a Verification Checklist seeking verification of employment, on August 14, 2010, to the Claimant at the address confirmed by the Claimant as her correct address as shown on the application. The Claimant received a verification checklist. The Claimant did not provide information to the Department prior to the verification checklist due date and provided the letter from her then employer after the FAP application was denied. At the time, she submitted the letter from the bakery employer she also reapplied. Under these circumstances where the claimant did not return the verification of requested information by the due date, the Department had no choice but to deny the application for FAP.

The Claimant is encouraged to reapply for FAP benefits and medical assistance. The undersigned finds that the Department properly denied Claimant's application for FAP benefits and that the Claimant did not provide requested information in the time provided.

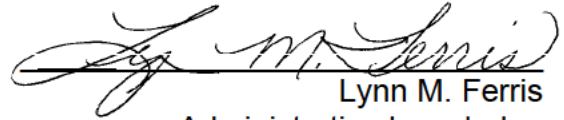
Accordingly, it is found that the Department's denial of the Claimant's August 4, 2010 application was in accordance with policy and was proper and therefore is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that there was insufficient evidence presented to affirm the Department's actions.

Accordingly, it is held:

1. The Department's Determination by Notice of Case Action of September 2, 2010, denying the Claimant's application for Food Assistance, is AFFIRMED.


Lynn M. Ferris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 01/19/11

Date Mailed: 01/21/11

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 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

LMF/dj

cc:

