

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-4652
Issue No.: 3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 6, 2010
DHS County: Wayne (43)

ADMINISTRATIVE LAW JUDGE: Susan C. 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 December 6, 2010. Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED].

ISSUE

Was the Department correct in closing Claimant's Food Assistance Program (FAP) benefits for failing to cooperate with the Department?

FINDINGS OF FACT

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

1. Claimant was an ongoing FAP recipient.
2. On October 13, 2010, DHS issued a Verification Checklist requiring Claimant to produce employment and earnings verification by October 25, 2010.
3. Claimant mailed to the Department one pay stub and requested additional time to obtain additional verifications.
4. The Department allowed Claimant until October 31, 2010, to return the missing verifications.
5. The Department closed Claimant's FAP benefits as of November 1, 2010.

CONCLUSIONS OF LAW

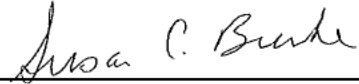
FAP is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department administers the FAP program pursuant to MCL 400.10 *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Clients must cooperate with the local Department 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, 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.

In the present case, Claimant testified credibly that she submitted verification of income prior to the deadline. Claimant testified that she obtained the additional verifications such as a verification of employment dated October 26, 2010, and a missing pay period verification. Claimant testified that she did not turn in the additional verifications because she believed that the case was closing. Claimant called the Department numerous times and did not get a clear answer from various personnel with whom she spoke as to what to do with the verifications. The Department does not deny that Claimant did submit partial verification and it appears that miscommunication played a part in Claimant not submitting all of the required verification she had obtained. This Administrative Law Judge cannot find that Claimant failed to cooperate. Therefore, the Department was incorrect in closing Claimant's FAP benefits. BAM 130.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's decision to close Claimant's FAP benefits for failing to cooperate was incorrect and, therefore, is REVERSED. It is ORDERED that Claimant's FAP benefits shall be reinstated as of November 1, 2010, if Claimant otherwise qualifies, and all missed benefits shall be made in the form of supplemental payments.



Susan C. Burke
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 8, 2010

Date Mailed: December 9, 2010

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.

SCB/pf

cc:

