

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: 2011-4675
Issue No: 3008
Case No: [REDACTED]
Hearing Date:
December 6, 2010
Macomb County DHS 12

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 November 1, 2010. After due notice, a telephone hearing was conducted from Detroit, Michigan on December 6, 2010. The Claimant appeared and testified. Christina DeVault, ES and Lorenzo Childs, Supervisor appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's FAP case 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 was an ongoing FAP recipient and his FAP case was closed for failure to provide a timely response to a verification checklist sent to the Claimant pursuant to a FAP review.
- 2) A verification checklist was provided to the Claimant requesting proof of loss of employment. Exhibit 1.
- 3) The verification Checklist was dated October 6, 2010 and had a due date of October 18, 2010.
- 4) The Department, after a review of the FAP case with the Claimant where he disclosed that his employment had ended, determined that verification of loss of employment was necessary. The Claimant was supposed to provide the Department with a fax number so that the Department could assist the Claimant in completing the verification.
- 5) The Claimant did not provide the Department the employer's a fax number as requested and did not provide an address for the employer.
- 6) A notice of Case Action was issued by the Department on October 25, 2010. The Claimant's FAP case was closed on October 31, 2010 for failure to provide the requested verification of loss of employment.
- 7) The Claimant requested a hearing protesting the closure of his FAP case. The Claimant's hearing request was received by the Department on November 1, 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 (formerly known as the Family Independence Agency) 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).

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. 6.

The Department is required to verify loss of employment and income at application and when a change is reported. If the client fails to verify these items the Department must closed the Claimant's case for failure to verify the requested information. BEM 554, p. 11.

In this case, the Department mailed out a Verification Checklist to the Claimant seeking verification of loss of employment after a FAP review and would have faxed the employer the verification checklist had the Claimant provided the Department with the employer's fax number. The Claimant did not provide the Department with a fax number for the employer so the Department was unable to assist the Claimant in obtaining the verifications. The verification was also sent to the Claimant at the address confirmed by the Claimant as his correct address. Based on these facts, the documentary record and testimony of the witnesses, it is determined that the Department properly closed the Claimant's FAP case for failure to return the verification checklist by the due date.

The Claimant is encouraged to reapply for FAP benefits immediately and to provide the Department with the employer's address and fax number or personally seek the requested information from the employer directly. After taking these steps, if the Claimant continues to have difficulty, he is encouraged to seek the further assistance of the Department in obtaining the information.

The undersigned finds that the Department properly closed the Claimant's FAP case and that the Claimant did not provide requested information in the time provided.

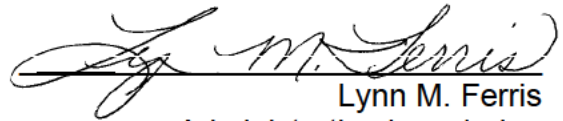
Accordingly, it is found that the Department's closure of the Claimant's FAP case was proper and is AFFIRMED.

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:

The Department's Determination by Notice of Case Action of October 25, 2010, closing the Claimant's FAP case, is hereby AFFIRMED.



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

Date Signed: 01/04/11

Date Mailed: 01/05/11

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 date of the rehearing decision.

LMF/dj

cc:

