

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

IN THE MATTER OF:



Reg. No.: 2011-46991
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: September 1, 2011
Wayne 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 September 1, 2011 in Detroit, Michigan. Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED] Assistance Payments Worker.

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 to Claimant a Verification Checklist dated July 14, 2011 requesting numerous verifications, among which were requests for the last thirty days of check stubs or earnings.
3. The Department issued a Verification of Employment form, dated July 14, 2011, requesting employment information from May 1, 2011 to July 14, 2011.

4. Claimant returned all verifications to the best of her knowledge, with the assistance of Detroit Public Schools, with whom she was contracting as a substitute teacher.
5. The Department closed Claimant's case, effective August 1, 2011, due to failure to cooperate with the Department.
6. Claimant requested a hearing, protesting the closure.

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 Bridges Reference Manual (BRM).

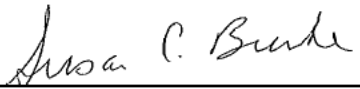
Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 130. The requested information might be from the client or a third party. *Id.* The Department can use documents, collateral contacts or home calls to verify information. *Id.* 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, the Department issued conflicting requests to Claimant. The Verification Checklist requested the last thirty days of pay stubs or earnings. The Verification of Employment, on the second page in small type, requested employment information from May 1, 2011 to July 14, 2011. Both Claimant and the employer with whom she contracted in substitute teaching, supplied information only about Claimant's last thirty days of employment after having read the requests from the Department. This Administrative Law Judge cannot find that Claimant failed to cooperate, as Claimant believed she was submitting the requested information. Therefore, the Department was incorrect in closing Claimant's FAP case due to Claimant refusing to cooperate with the Department.

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 FAP case for failing to cooperate was incorrect and, therefore, it is ORDERED that the Department's decision is REVERSED. It is further ORDERED that the Department shall

1. Initiate reinstatement of Claimant's FAP case, effective August 1, 2011, if Claimant is otherwise eligible.
2. Issue FAP supplements to Claimant from August 1, 2011 and ongoing if Claimant is found to be eligible for FAP.



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

Date Signed: 9/7/11

Date Mailed: 9/7/11

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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