

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

IN THE MATTER OF:



Reg. No: 201154357
Issue No: 3008
Case No: [REDACTED]
Hearing Date: October 19, 2011
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: **Suzanne D. Sonneborn**

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 received on September 19, 2011. After due notice, a telephone hearing was held on October 19, 2011. Claimant appeared and provided testimony.

ISSUE

Whether the department properly determined Claimant's eligibility for Food Assistance Program (FAP) benefits?

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 applied for FAP benefits.
2. On July 21, 2011, the department mailed Claimant a Verification Checklist, requesting that he provide the department with verification of his loss of employment by August 1, 2011. (Department Exhibit 1).
3. On August 25, 2011, the department mailed Claimant a Notice of Case Action (DHS 1605) advising him that effective July 1, 2011, his FAP application was denied for the reason that he failed to verify necessary information. (Department Exhibit 2).
4. On September 7, 2011, Claimant requested a hearing contesting the department's denial of his FAP application. (Hearing Request).

CONCLUSIONS OF LAW

Clients have the right to contest a department decision affecting eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department provides an administrative hearing to review the decision and determine its appropriateness of that decision. BAM 600.

The regulations that govern the hearing and appeal process for applicants and recipients of public assistance in Michigan are contained in the Michigan Administrative Code (Mich Admin Code) Rules 400.901 through 400.951. An opportunity for a hearing shall be granted to a recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. Mich Admin Code 400.903(1).

The Food Assistance Program (FAP) was established pursuant to 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 or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.30001-3015. Department policies for the FAP program are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), the Bridges Reference Manual (BRM), and the Reference Tables Manual (RFT).

Department policy indicates that clients must cooperate with the local office in determining initial and ongoing eligibility with all programs. BAM 105. This includes completion of the necessary forms. Clients who are able to but refuse to provide necessary information or take a required action are subject to penalties. BAM 105. Clients must take actions within their ability to obtain verifications. BAM 130; BEM 702. Likewise, *DHS local office staff must assist clients who ask for help in completing forms.* BAM 130; BEM 702; BAM 105. Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. BAM 130. *The department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested verification.* BAM 130. If the client is unable to provide the verification despite a reasonable effort, the department must extend the time limit at least once. BAM 130. Should the client indicate a refusal to provide a verification or, conversely, if the time period given has elapsed and the client has not made a reasonable effort to provide it, the department may send the client a negative action notice. BAM 130.

In the instant case, Claimant is disputing the department's denial of his FAP application for failure to provide the requested verification of his loss of employment. At the hearing, Claimant testified that, after receiving the department's verification request, he attempted to contact his caseworker and left her voicemails on at least three occasions in an effort to seek clarification on the specific verification being requested. Claimant testified that his caseworker never returned his calls and when he finally reached her on or around August 8, 2011, she informed him that his application had already been

denied and closed as the August 1, 2011 deadline for the requested verification had passed.

At the hearing, the department representative (and Claimant's caseworker) acknowledged that she spoke with Claimant on or around August 8, 2011 and informed him of the specific verification that was needed but further indicated that his application had already been denied. The caseworker further acknowledged that, as set forth in the August 25, 2011 Notice of Case Action, his application had in fact been denied prior to the August 1, 2011 deadline. The caseworker was unable to explain why the department closed Claimant's case before the date on which he was expected to provide requested verifications. Nor could the caseworker explain why she didn't return Claimant's calls seeking clarification of that which was expected of him regarding the requested verifications. Ultimately, the caseworker acknowledged that the handling of Claimant's FAP application constituted department error.

Accordingly, the Administrative Law Judge finds that, based on the material and substantial evidence presented during the hearing, the department improperly denied Claimant's FAP application for failure to provide the requisite verification documentation.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly denied Claimant's FAP application for failure to provide the requisite verification documentation.

Accordingly, the department's actions are **REVERSED** and the department shall immediately reprocess Claimant's FAP application and issue supplement checks for any months he did not receive the correct amount of benefits if he was otherwise entitled to them.

It is SO ORDERED.

/s/

Suzanne D. Sonneborn
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: October 19, 2011

Date Mailed: October 20, 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 date of the rehearing decision.

SDS/cr

cc:

