

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.: 2011-580
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: January 20, 2011
DHS County: Wayne (82-17)

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 January 20, 2011. Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED].

ISSUE

Was the Department correct in closing Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) cases 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 FIP and FAP recipient.
2. On August 3, 2010, DHS issued a Verification Checklist requiring Claimant to produce employment and earnings verification by August 13, 2010.
3. Claimant submitted the verification forms to her employer, [REDACTED].
4. The Department closed Claimant's FIP and FAP benefits on August 24, 2010, effective October 1, 2010, stating Claimant had failed to verify necessary information.

5. Claimant requested a hearing on September 7, 2010, for “Cash, Food Stamps, and Medical”.

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).

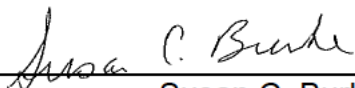
FIP was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and MAC R400.3101-3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in BAM, BEM and 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. 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 the employment verification form to her employer, [REDACTED]. Claimant detailed convincingly that her manager at [REDACTED] told her that the form would be submitted to [REDACTED] general office and then faxed to the Department. In a follow-up by Claimant, her employer told her the form had been faxed to the Department. This Administrative Law Judge cannot find that Claimant failed to cooperate. Therefore, the Department was incorrect in closing Claimant’s FIP and FAP benefit cases. BAM 130. Claimant also requested a hearing on the issue of “Medical,” and although there is no evidence of closure of medical benefits in the record, if the Department had also closed Claimant’s medical benefits in this instance, the Department was also incorrect in closing said benefits.

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 FIP and FAP cases for failing to cooperate was incorrect and, therefore, is REVERSED. It is ORDERED that Claimant's FIP and FAP benefits shall be reinstated as of October 1, 2010, if Claimant otherwise qualifies, and all missed benefits shall be made in the form of supplemental payments. In addition, medical benefits that may have been closed in this instance shall also be reinstated as of October 1, 2010.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 26, 2011

Date Mailed: January 27, 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 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.

SCB/pf

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