

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: 20119507
Issue No: 3008, 2006
Case No: [REDACTED]
Hearing Date:
January 6, 2011
Wayne County DHS-43

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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. After due notice, a telephone hearing was held on January 6, 2011. The Claimant appeared and testified. Ryane McArthur ES appeared on behalf of the Department.

ISSUE

Was the Department correct in denying Claimant's Food Assistance and Adult Medical Program applications for failing to provide verifications?

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 and AMP benefits on November 18, 2010.
- (2) Income verifications were sent out on November 18, 2010, with a November 29, 2010 due date.

- (3) Claimant's FAP and AMP applications were denied on December 1, 2010 for failing to return verifications.
- (4) The Department received employment verification forms from Claimant's former employer on December 2, 2010. The form was dated November 22, 2010.
- (5) Claimant submitted pay records by fax on December 2, 2010.
- (6) Claimant requested a hearing on December 7, 2010, contesting the denial of FAP and AMP benefits.

CONCLUSIONS OF LAW

The Food Assistance Program, 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 ("DHS"), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Program Reference Manual ("PRM").

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq*. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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.

In the present case, Claimant testified that he attempted to obtain all requested records and submit them prior to the due date. Claimant testified that he attempted to contact his worker and left messages to discuss the issues he was having obtaining the requested records. Claimant's employer completed the verification form on November 22nd, but it was not received by the Department until December 2nd. Claimant should not be penalized for his employer failing to submit the form on time. This Administrative Law Judge cannot find that Claimant refused to cooperate or failed to make a reasonable effort to cooperate and, therefore, denial of Claimant's FAP and AMP applications was improper and incorrect. BAM 130

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department was incorrect in the denial of

Claimant's FAP and AMP applications, and it is ORDERED that the Department's decision is hereby REVERSED. Claimant's FAP and AMP application shall be reinstated and reprocessed going back to the date of application.



Aaron McClintic
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 01/19/11

Date Mailed: 01/24/11

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 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.

AM/dj

cc:

