

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.: 201110934  
Issue No.: 3008  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: January 18, 2011  
MACOMB County DHS

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on January 18, 2011. The Claimant appeared and testified.

[REDACTED], ES and [REDACTED], ES appeared on behalf of the Department.

**ISSUE**

Was the Department correct in closing Claimant's Food Assistance benefits 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 was a FAP recipient.
- (2) Claimant was sent a verification checklist on December 3, 2010 with a December 13, 2010 due date.

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- (3) On December 9, 2010 Claimant provided bank account records and records from Paypal showing the earnings in question.
- (4) Claimant's FAP benefits were closed on December 31, 2010 for failure to provide verifications.
- (5) Claimant requested a hearing on December 9, 2010 contesting the closure of FAP 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"), formerly 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").

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

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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, the only income verification in question was from Claimant's work as an online columnist. Claimant provided bank account records and Paypal records showing what her earnings were for this job. Claimant provided all information she had at her disposal regarding the income in question, prior to the deadline. Claimant was sufficiently cooperative and provided the Department with enough information for the Department to accurately determine her income from this source. This Administrative Law Judge cannot find that Claimant refused to provide required verifications or failed to make a reasonable effort to cooperate, therefore closure of Claimant's FAP benefits 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 closure of Claimant's FAP benefits, and it is ORDERED that the Department's decision is hereby REVERSED.

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Claimant's FAP benefits shall be reinstated as of the date of closure. Any missed benefits shall be paid to Claimant in the form of a supplement.



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

Date Signed: February 4, 2011

Date Mailed: February 4, 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 of the rehearing decision.

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cc:

