

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2011-13682
Issue No.: 2006/3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: February 10, 2011
Wayne County DHS (18)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 February 10, 2011. The claimant appeared and testified.

ISSUE

Did the Department properly close the Claimant's Food Assistance (FAP)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant was a FAP recipient.
2. On November 20, 2010, as part of an annual review, the department sent the claimant a verification checklist requesting income and asset information, due November 30, 2010. (Department exhibit 6).
3. On November 22, 2010, the claimant provided the department with a written statement outlining extra income provided her to help pay for child support. (Department exhibit 5).
4. On November 22, 2010, the claimant applied for MA.
5. On December 6, 2010, the department closed the claimant's FAP.

6. On January 7, 2011, the Claimant filed a request for a hearing, contesting the closing of her FAP and questioning the status of her MA application.

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).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the instant case, the Department requested employment and income information.

The claimant provided the department with a written signed statement that showed the claimant was receiving \$25.00 per month to help her pay a child support obligation. The department found this document inadequate.

Obtaining Verification

All Programs

Tell the client what verification is required, how to obtain it, and the due date (see "[Timeliness Standards](#)" in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification....

The client must obtain required verification, but you must assist if they need and request help.

If neither the client nor you can obtain verification despite a reasonable effort, use the best available information. If **no**

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evidence is available, use your best judgment. (PAM 130, p. 2-3)

Here, the requested verification was provided the department but it found the verification inadequate to resolve the request for verification.

This ALJ finds the document outlining the claimant's receipt of \$25.00 per month adequate. The department failed to follow the above policy in not using "the best available information." Therefore, the department was in error in closing the claimant's FAP.

The department reported that the claimant's MA application was still pending.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, **REVERSES AND ORDERS** the Department to retroactively reinstate the Claimant's FAP and replace any lost benefits back to December 6, 2010.



Michael J. Bennane
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 2/17/2011

Date Mailed: 2/17/2011

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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