

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

IN THE MATTER OF:

██████████
████████████████████
██

Reg. No: 201115760
Issue No: 3008
Case No: ██████████

Hearing Date:
March 2, 2011
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on December 4, 2009. After due notice, a telephone hearing was held on Wednesday, March 2, 2011.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) eligibility?

FINDINGS OF FACT

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

1. The Claimant was an ongoing FAP recipient.
2. On August 1, 2009, the Department sent the Claimant a Semi-Annual Contact Report with a due date of September 1, 2009.
3. On September 11, 2009, the Department sent the Claimant a Semi-Annual Contact Report with a due date of September 22, 2009.
4. On September 22, 2009, the Department sent the Claimant Notice of Potential Food Assistance Program (FAP) Closure.

5. On October 9, 2009, the Department notified the Claimant that it would terminate her FAP benefits for failure to provide information necessary to determine eligibility.
6. The Department received the Claimant's request for a hearing on December 4, 2009, protesting the termination of her FAP benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp 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 or 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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105, p. 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130, p. 1. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130, p. 1. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130, p. 1. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130, p. 2. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

The Claimant was an ongoing FAP recipient. On August 1, 2009, the Department sent the Claimant a Semi-Annual Contact Report with a due date of September 1, 2009. On September 11, 2009, the Department sent the Claimant a Semi-Annual Contact Report with a due date of September 22, 2009. On September 22, 2009, the Department sent the Claimant a Notice of Potential Food Assistance Program (FAP) Closure. On October 9, 2009, the Department notified the Claimant that it would terminate her FAP benefits for failure to provide information necessary to determine eligibility.

The Claimant argued that she made a reasonable effort to cooperate in the Semi-Annual Review Process. The Claimant testified that she returned her Semi-Annual Contact Report on September 22, 2009. The Claimant provided a copy of the Semi-Annual Contact Report that she submitted to the Department on September 22, 2009.

The report the Claimant submitted on September 22, 2009, contains a correction to Section 4-A. The Claimant initially indicated that no members of her household

received income from working, but then changed her response to yes. The Claimant initialed next to the correction.

The Department's representative testified that the Claimant did not submit any verification of income from working along with the Semi-Annual Contact Report. In response to receiving a Semi-Annual Contact Report that indicated that a household member received income from working, but no verification documents, the Department sent the Claimant Notice of Potential Food Assistance Program (FAP) Closure.

The Claimant argued that no one in her household was receiving income from working on September 22, 2009. The Claimant testified that she misunderstood the Semi-Annual Contact Report form at Section 4-A. The Claimant testified that she was aware of the requirement to report unearned income to the Department. The Claimant changed her response in Section 4-A from "No" to "Yes" because her household was receiving unearned income.

The Department relied on the information the Claimant submitted on her Semi-Annual Contact Report. The Department had no reason to doubt the information that the Claimant had submitted on September 22, 2009. The Claimant's signature on this form certified her statements and indicated that they were true to the best of her knowledge.

The Department's policies require it to send a Potential Food Assistance (FAP) Closure to the client when it does not receive a completed Semi-Annual Contact Report by the tenth day of the sixth month. BAM 210. This reminder notice explains that the client must return the Semi-Annual Contact Report and all required verifications by the last day of the month or the case will close. BAM 210. If the client fails to return a complete Semi-Annual Contact Report by the last day of the sixth month, the Department will automatically close the case. BAM 210. A report is considered complete when all of the sections on the Semi-Annual Contact Report are answered completely and required verifications are returned by the client or client's authorized representative. BAM 210.

This Administrative Law Judge finds that the Claimant submitted a Semi-Annual Contact Report on September 22, 2009. This form contained a statement from the Claimant that a person in her household received income from working, but no verification documents were included. Therefore, the Semi-Annual Contact Report was incomplete. The Department responded by sending the Claimant Notice of Potential Food Assistance Program (FAP) Closure to the Claimant at her correct mailing address. Since the Claimant failed to respond to the Notice of Potential Food Assistance Program (FAP) Closure before September 30, 2009, the Department properly terminated the Claimant's benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's FAP eligibility.

The Department's FAP eligibility determination is AFFIRMED. It is SO ORDERED.

/s/ _____
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: March 9, 2011

Date Mailed: March 9, 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.

KS/tg

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