

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

IN THE MATTER OF:



Reg. No: 201120498
Issue No: 3008
Case No: [REDACTED]
Hearing Date: March 22, 2011
Ingham 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 January 26, 2011. After due notice, a telephone hearing was held on Tuesday, March 22, 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 Food Assistance Program (FAP) recipient.
2. The Department sent the Claimant a Redetermination (DHS-1010) form with a due date of December 2, 2010.
3. On December 2, 2010, the Department sent the Claimant Notice of Missed Appointment (DHS-254).
4. On December 2, 2010, the Department sent the Claimant a second Redetermination (DHS-254) form.

5. The Department closed the Claimant's FAP benefits for failure to provide information necessary to determine eligibility to receive benefits.
6. The Department received the Claimant's request for a hearing on January 26, 2011, 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.

Clients are allowed ten calendar days to provide the verifications requested by the Department. BAM 130, p. 4. The Department should send a negative action notice when the client indicates a refusal to provide the verification, or the time period provided has lapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 4. The Department should extend the time limit no more than once if the client cannot provide the verification despite a reasonable effort. BAM 130, p. 4.

The Claimant was an ongoing Food Assistance Program (FAP) recipient when the Department sent her a Redetermination (DHS-1010) form with a due date of December 2, 2010. When the Department did not receive the Claimant's completed Redetermination form, it sent the Claimant a Notice of Missed Appointment form. The Notice of Missed Appointment form notified the Claimant that it was her responsibility to contact her caseworker or benefits would be denied. The Claimant notified the Department that she did not have the Redetermination form and the required verification documents ready. The Department sent the Claimant a second Redetermination form on December 2, 2010. The Claimant submitted verification documents to the

Department but did not return the completed Redetermination form as the Department had required. When the Department did not receive the completed Redetermination form before December 31, 2010, it terminated the Claimant's FAP benefits as of January 1, 2011.

The Claimant argued that the Department should have allowed her to have more time to turn in the Redetermination form.

The Department sent the Claimant a Redetermination form with a due date of December 2, 2010. Having failed to meet this deadline, it then became the Claimant's responsibility to submit the required information before the end of the month. The Department notified the Claimant of her duty on the Notice of Missed Interview form. While the Claimant did submit a portion of the necessary material, she did not submit all of the required documentation; specifically she did not return the Redetermination form.

Based on the evidence and testimony available during the hearing, the Department has established that it acted in accordance with policy when it terminated the Claimant's Food Assistance Program (FAP) benefits for failure to provide the Department with information necessary to determine her eligibility to receive 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 23, 2011

Date Mailed: March 24, 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.

201020498/KS

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/vc

cc:

