

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

IN THE MATTER OF:
Issue

[REDACTED]

Reg. No.: 201120620
No.: 3008
Case No.: [REDACTED]
Hearing Date: March 22, 2011
DHS County: Wayne

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on March 22, 2011. Claimant appeared and testified. The Department of Human Services (Department or DHS) was represented by [REDACTED]

ISSUE

Was the Department correct in closing Claimant's Food Assistance Program (FAP) case for failing to cooperate with the Department?

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 an ongoing FAP recipient.
2. The Department issued a Notice of Missed Interview on January 7, 2011, giving Claimant until January 31, 2011 to reschedule the interview.
3. Claimant attempted to reschedule the interview by leaving a phone message with the Department.
4. The Department attempted to contact Claimant by phone, Claimant's phone line was not working.

5. The Department closed Claimant's FAP case on January 31, 2011, for failure to attend or reschedule an interview for Redetermination.
6. Claimant requested a hearing protesting the closure.

CONCLUSIONS OF LAW

FAP 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 administers the FAP program pursuant to MC L 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 Program Reference Manual (PRM.).

Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 105, 130. 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 the information should be extended at least once. BAM 130. 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.

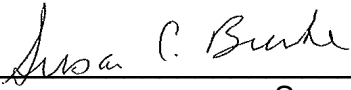
In the present case, the Department concedes that Claimant attempted to contact the Department to reschedule the required interview within the time frame given by the Department. That Claimant's phone line was not working at the time the Department worker returned Claimant's call, does not convince me that Claimant failed to cooperate. Therefore, the Department was incorrect in closing Claimant's FAP case. BAM 130.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's decision to close Claimant's FAP case for failing to cooperate with the Department was incorrect and, therefore, it is ORDERED that the Department's decision is REVERSED. It is further ORDERED that Claimant's FAP case shall be reinstated and benefits restored, effective February 1, 2011, if Claimant

201120620/SCB

otherwise qualifies, and all missed benefits shall be made in the form of supplemental payments.



Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: April 13, 2011

Date Mailed: April 13, 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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