

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: 201121041

Issue No: [REDACTED]

Case No: [REDACTED]

Hearing Date:

March 24, 2011

Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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 received on August 24, 2009. After due notice, a telephone hearing was held on March 24, 2011. Claimant personally appeared and provided testimony.

ISSUE

Whether the department properly closed Claimant's Food Assistance Program (FAP) benefits?

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 receiving FAP at all times pertinent to this hearing. (Hearing Summary).
2. On June 30, 2009, the department mailed Claimant a Redetermination form (DHS-1010) with an appointment date of July 23, 2009. (Hearing Summary).
3. Claimant appeared for her appointment on July 23, 2009. (Hearing Summary).
4. On July 23, 2009, a Missed Interview Notice was mailed to Claimant indicating she missed her July 23, 2009. The department contacted

Claimant by telephone and told her to disregard the Missed Interview Notice because it was a glitch in Bridges and she had attended. (Hearing Summary).

5. On July 27, 2009, the department mailed Claimant a Verification Checklist requesting pay stubs for a Jerome White, with a due date of August 6, 2009. (Hearing Summary).
6. On July 31, 2009, the department closed Claimant's FAP case for failure to return the requested verifications. (Hearing Summary).
7. Claimant submitted a hearing request on August 24, 2009, protesting the closure of her FAP benefits. (Request for a Hearing).

### CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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 (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) and the Bridges Reference Manual (BRM).

Department policy states that clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. Clients must take actions within their ability to obtain verifications. BAM 105.

The department must assist when necessary. The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or not fluent in English. BAM 105. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130.

The department uses the Verification Checklist, DHS-3503, to tell the client what verification is required, how to obtain it and the due date. The client must obtain the required verification, but the department must assist if they need and request help. BAM 130.

A client is allowed 10 calendar days (or other time limit specified in policy) to provide the verification requested by the department. The department sends a negative action notice when the client indicates refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130.

In this case, Claimant appeared as scheduled for her Redetermination appointment on July 23, 2009. The same day the department mailed Claimant a Missed Interview Notice for her July 23, 2009 appointment. The department later called Claimant and told her to ignore the Notice because she had attended the appointment. The department then mailed Claimant a Verification Checklist on July 27, 2009, requesting pay stubs with a due date of August 6, 2009. The department closed Claimant's FAP case on July 31, 2009, for failure to return the requested verifications.

Claimant credibly testified that she timely returned the requested pay stubs in response to the Verification Checklist. Notably, the department presented no evidence to the contrary because they did not have Claimant's file. In addition, it is also noted that the department improperly closed Claimant's case on July 31, 2009, although they had given her until August 6, 2009, to return the verifications. Based on Claimant's uncontroverted and credible testimony, this Administrative Law Judge finds that the department improperly closed Claimant's FAP case on July 31, 2009.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly closed Claimant's FAP case. Accordingly, the department's actions are REVERSED and the department shall immediately reinstate Claimant's FAP case retroactively to July 31, 2009, and issue any supplement FAP benefits to Claimant that she is otherwise entitled too.

It is SO ORDERED.

/s/

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Vicki L. Armstrong  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: March 24, 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.

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.

VLA [REDACTED]

cc: [REDACTED]