

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: 201121300

Issue No: [REDACTED]

Case No: [REDACTED]

Hearing Date:

March 24, 2011

Ingham 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 February 14, 2010. 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 January 13, 2011, Claimant called the department and asked that the income from [REDACTED] that was showing up on the Semi-Annual Contact Report he had received from the department be removed because he had never worked there. (Hearing Summary).
3. In response to Claimant's telephone call, the department reviewed Claimant's file and determined that Claimant had never reported working at [REDACTED] (Hearing Summary).

4. The department then mailed Claimant a Verification Checklist with a due date of January 23, 2011. (Hearing Summary).
5. Claimant submitted a hearing request on February 14, 2011, protesting the closure of his 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. BAM 105. Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. BAM 105. Clients must take actions within their ability to obtain verifications.

The department must assist when necessary. BAM 105. 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, when Claimant received the Semi-Annual Contact Report from the department and saw they had listed him as employed by the [REDACTED] he immediately called his case worker and asked that they remove the income because he had never worked at [REDACTED]. According to the hearing summary, when the case worker checked Claimant's file, it was determined that Claimant had never reported working at [REDACTED]

Because the department representative did not have Claimant's file during the hearing, the only evidence presented was the hearing summary. The department was unable to explain how the Semi-Annual Contact Report mailed to the Claimant came to show he had worked at the [REDACTED] when according to the hearing summary, Claimant had never reported working there. The representative was also unable to give the date the Semi-Annual Contact Report was mailed to the Claimant or explain why, instead of removing the obviously mistaken [REDACTED] income information from Claimant's file, a Verification Checklist was mailed to Claimant. As a result, based on the uncontroverted testimony of Claimant, and lack of any evidence presented by the department, this Administrative Law Judge finds the department improperly closed his FAP case.

#### 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 and issue any supplement FAP benefits to which Claimant is otherwise entitled.

It is SO ORDERED.

/s/ \_\_\_\_\_  
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 90 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]