

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-22274
Issue No: 3008
Case No: [REDACTED]
Hearing Date:
May 2, 2011
Wayne County DHS-41

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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, an in person hearing was held on May 2, 2011. The Claimant appeared and testified, along with [REDACTED], FIM appeared on behalf of the Department.

ISSUE

Was the Department correct in closing Claimant's Food Assistance 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 a FAP recipient.
- (2) Claimant was sent a Mid-Certification Contact notice on January 3, 2011.
- (3) Claimant did not return the form.
- (4) Claimant did not receive the Mid-Certification Contact notice.
- (5) Claimant's FAP benefits were closed on January 31, 2011 for failure to provide verifications.

- (6) Claimant requested a hearing on February 17, 2011 contesting the closure of FAP benefits.

CONCLUSIONS OF LAW

The Food Assistance Program, 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"), formerly known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental 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 office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. 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 should be extended at least once. BAM 130, p.4; BEM 702. 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, p. 4. Before making an eligibility determination, however, the Department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. BAM 130, p. 6.

In the present case, Claimant failed to provide redetermination papers prior to the deadline, as required by Department policy and his case closed. BAM 130. Claimant credibly testified that he did not receive the redetermination paper work. Claimant provided documentation from the people who help him with his paper work, [REDACTED] and [REDACTED], confirming that the paper work was never received. This Administrative Law Judge cannot find that Claimant refused to provide requested verifications or failed to make a reasonable effort to provide verifications, because he never received the request for the information. Therefore closure of Claimant's FAP benefits was improper and incorrect. BAM 130.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department was incorrect in the closure of Claimant's FAP benefits, and it is ORDERED that the Department's decision is hereby REVERSED. Claimant's FAP benefits shall be reinstated back to the date

of closure. Any missed benefits shall be paid to Claimant in the form of a supplement.



Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: May 20, 2011

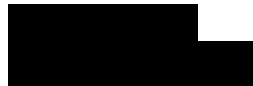
Date Mailed: May 20, 2011

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.

AM/ hw

cc:



Wayne County DHS (41)/ 1843



Administrative Hearings