

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.: 201123750
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: April 6, 2011
Wayne County DHS

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 April 6, 2011. Claimant appeared and testified. The Department of Human Services (Department or DHS) was represented by [REDACTED], FIM, and [REDACTED], ES.

ISSUE

Was the Department correct in denying Claimant's Food Assistance Program (FAP) application 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 applied for FAP on [REDACTED].
2. The Department issued a verification checklist on [REDACTED], with a due date of [REDACTED], requesting verification of home insurance, home rent, and wages.
3. Claimant supplied most of the requested information on [REDACTED].
4. The Department denied Claimant's FAP application on [REDACTED] due to failure to verify information.

5. Claimant requested a hearing on [REDACTED], protesting the denial.

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 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 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.

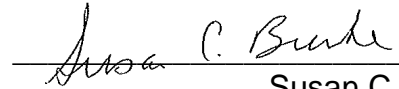
In the present case, the Department issued a verification checklist requesting Claimant to verify home insurance, home rent, and wages. Claimant supplied information to the Department within the time frame allotted. As to wages in particular, Claimant supplied the name and phone number of [REDACTED], the person from whom he received cash payment for siding work Claimant performed. It appears that there is a question as to whether Claimant is self-employed as a subcontractor for [REDACTED] or whether he is employed by [REDACTED]. Nevertheless, I find that Claimant did not fail to cooperate, as he provided information to the Department from which the Department may then seek additional information, such as income tax filings. Based on the above discussion, this Administrative Law Judge cannot find that Claimant failed to cooperate. Therefore, the Department was incorrect in denying Claimant's FAP application. 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 deny Claimant's FAP application for failing to cooperate was incorrect and, therefore, it is ORDERED that its decision is REVERSED. It is further ORDERED that Claimant's FAP application shall be reinstated and reprocessed, effective [REDACTED], and if Claimant is found to be eligible all

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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: May 19, 2011

Date Mailed: May 19, 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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cc:

