

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.: 20112506  
Issue No.: 2006; 3008; 4003  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: November 18, 2010  
Macomb County DHS

**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 the Claimant's request for a hearing. After due notice, a telephone hearing was held on November 18, 2010. The Claimant appeared and testified. [REDACTED], ES appeared on behalf of the Department.

**ISSUE**

Was the Department correct in closing Claimant's Food Assistance, Medical Assistance, and State Disability 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 an FAP, SDA, and MA recipient.
- (2) After the Department received a wage match for a job Claimant was working, Claimant was sent employment verification forms on August 20, 2010 with an August 30, 2010 due date.
- (3) Claimant's FAP, MA and SDA benefits were closed on September 9, 2010 for failure to provide verifications.
- (4) Claimant requested a hearing on September 27, 2009 contesting the closure of FAP, MA and SDA benefits.

- (5) Claimant submitted employment verification forms on October 14, 2010.

### 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").

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. 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 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 was sent employment verification form on August 20, 2010 with an August 30, 2010 due date. Claimant submitted the employment verification form on October 14, 2010, after his case had already closed. Claimant testified that he

20112506/AM

took the employment verification form to his former employer within a few days of receiving it, and asked them to fill it out. The form clearly states that the verification is due within 10 days. Claimant submitted the form 45 days after it was due. Claimant should have made a better effort to follow up with his former employer. This Administrative Law Judge finds that Claimant failed to make a reasonable effort to cooperate and therefore closure of Claimant's FAP benefits was proper and correct. (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 correct in the closure of Claimant's FAP, MA and SDA benefits, and it is ORDERED that the Department's decision is hereby AFFIRMED.



\_\_\_\_\_  
Aaron McClintic  
Administrative Law Judge  
For Ismael Ahmed, Director  
Department of Human Services

Date Signed: November 29, 2010

Date Mailed: November 29, 2010

**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.

AM/hw

cc:



20112506/AM

