

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201126090
Issue No.: 1005; 3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: May 19, 2011
DHS County: Wayne County DHS (31)

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 May 19, 2011. Claimant appeared and testified. The Department of Human Services (Department or DHS) was represented by [REDACTED] FIS worker.

ISSUE

Was the Department correct in closing Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) cases 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 was an ongoing FIP and FAP recipient.
2. On January 13, 2011, the Department issued to Claimant a Redetermination notice, stating that Claimant was to appear for an appointment on February 1, 2011.
3. Claimant did not receive the Redetermination notice.
4. On February 1, 2011, the Department issued a Notice of Missed Appointment for Claimant to reschedule an interview before February 28, 2011.

5. Claimant received the Notice of Missed Appointment and attempted to reschedule the interview by calling the phone number on the Notice.
6. Claimant received information that the phone number given in the Notice was disconnected.
7. Claimant had been reassigned a new Department worker, who was in transition from one office to another.
8. Claimant attempted to contact the Department with no phone calls being returned.
9. The Department closed Claimant's FIP and FAP cases on March 1, 2011 due to failure to cooperate with the Department.
10. Claimant requested a hearing, protesting the closure of her FIP and FAP cases.

CONCLUSIONS OF LAW

The Family Independence program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM), which includes the Reference Tables (RFT.)

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 Redetermination appointment date to Claimant. However, Claimant testified credibly at the hearing that she did not receive the Redetermination notice, but she did receive the follow-up Notice of Missed Appointment. Upon receiving the Notice of Missed Appointment, Claimant testified that she attempted to contact the Department using the phone number on the Notice, but that number was disconnected. Claimant's testimony was corroborated by the Department, as the newly assigned Department worker was in transition to a new office. Claimant tried otherwise to reach the Department by phone, but no phone calls were returned. This Administrative Law Judge cannot find that Claimant failed to cooperate. Therefore, the Department was incorrect in closing Claimant's FIP and FAP cases. 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 close Claimant's FIP and FAP cases for failing to cooperate was incorrect and, therefore, it is ORDERED that the Department's decision is REVERSED. It is further ORDERED that Claimant's FIP and FAP cases shall be reinstated and benefits restored effective March 1, 2011, if Claimant otherwise qualifies, and all missed benefits shall be made in the form of supplemental payments.

/s/ _____
Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: May 27, 2011

Date Mailed: May 27, 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.

2011-26090/SCB

SCB/ctl

cc:

