

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.: 20112743
Issue No.: 3008
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], Assistant Payment Specialist 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 redetermination forms on June 15, 2010.
- (3) Claimant was sent redetermination forms on July 16, 2010 and was specifically told that forms would need to be returned before July 31, 2010 or her case would close.
- (4) Claimant's FAP benefits were closed on July 31, 2010 for failure to provide verifications.

- (5) Claimant submitted redetermination forms on August 4, 2010.
- (6) Claimant requested a hearing on September 22, 2009 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 was sent redetermination forms twice. When the forms were sent the second time on July 16, 2010 Claimant's worker specifically told her that the forms needed to be received prior to the end of July, or her case would close. Claimant submitted the forms on August 4, 2010 after her case had already closed. Claimant testified that she had received a verbal extension of the deadline from her worker. Claimant's worker denied that a verbal extension was granted. This Administrative Law Judge finds the worker's testimony more credible. 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. Claimant complained about difficulty in communicating with her case worker, this Administrative Law Judge has no jurisdiction or authority to address issues related to Department worker's job performance.

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 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

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