

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201130039
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: May 16, 2011
DHS County: SSPC-East

ADMINISTRATIVE LAW JUDGE: [REDACTED]

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 16, 2011. Claimant appeared and testified. [REDACTED], Assistance Payments Supervisor, and [REDACTED] Assistance Payments Worker, appeared on behalf of the Department of Human Services (Department or DHS).

ISSUE

Was the Department correct in denying Claimant's Food Assistance Program (FAP) application due to failure 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 March 8, 2011.
2. The Department claimed to have issued a verification checklist to Claimant, but did not present the checklist into evidence.
3. Claimant did not receive the verification checklist.

4. The Department denied Claimant's FAP application due to failure to return verifications.
5. Claimant requested a hearing, protesting the denial of his FAP application.

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 claims to have issued a verification checklist requesting that Claimant verify information. The Department did not offer the alleged verification checklist into evidence at the hearing, and Claimant testified credibly that he did not receive the verification checklist. I cannot find that Claimant did not fail to cooperate, as there is no proof that he received the alleged verification checklist. Therefore, the Department was incorrect in denying Claimant's FAP application.

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 application for FAP was not correct, and, therefore, it is ORDERED that its decision is REVERSED. It is further ORDERED that the Department shall reinstate and reprocess Claimant's application of

March 8, 2011, and if Claimant meets eligibility requirements, any missed payments shall be made in the form of a supplement.

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

Date Signed: _____

Date Mailed: _____

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.

SCB/hw

cc: [REDACTED]
SSPC-East (98)/ 1843
[REDACTED]
Administrative Hearings