

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201131918
Issue No.: 3000; 6015
Case No.: [REDACTED]
Hearing Date: June 6, 2011
Wayne County DHS (15)

ADMINISTRATIVE LAW JUDGE: Susan 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 June 6, 2011. Claimant appeared and testified. The Department of Human Services (Department or DHS) was represented by [REDACTED] and [REDACTED], Assistance Payments Workers.

ISSUE

Was the Department correct in its calculation of Claimant's Food Assistance Program (FAP) benefits?

Was the Department correct in its decision to deny Claimant's Child Development and Care (CDC) 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 was an ongoing FAP recipient.
2. Claimant applied for CDC on [REDACTED].
3. On [REDACTED], the Department issued a Verification Checklist requiring Claimant to produce verification of employment and provider information by [REDACTED].

4. Claimant received the Verification Checklist and submitted the requests to her employer and to her CDC provider the following day.
5. The CDC provider was closed over the Christmas and New Year holidays.
6. The Department denied Claimant's CDC application on [REDACTED] due to failure to verify necessary information.
7. Claimant requested a hearing regarding the FAP benefits amount and the CDC application denial.
8. Claimant stated at the hearing that the issue of FAP benefits was resolved prior to the hearing.

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.

The CDC program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained 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 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, Claimant testified credibly that she submitted the requests to her employer and to her CDC provider the day after receiving the Verification Checklist issued by the Department on [REDACTED]. The CDC provider was closed over the Christmas and New Year holidays, and the Department received the verifications on [REDACTED]. This Administrative Law Judge cannot find that Claimant failed to cooperate, as she took steps to cooperate with the Department but did not have control over her employer and the CDC provider, who did not turn in the requests by the due date. Since Claimant did not fail to cooperate with the Department, the Department was incorrect in denying Claimant's CDC application. BAM 130.

The regulations governing hearings and appeals for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code. MAC R 400.901-.951. MAC R 400.903 reads, in part:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by a Department of Human Services [department] action resulting in suspension, reduction, discontinuance, or termination of assistance.

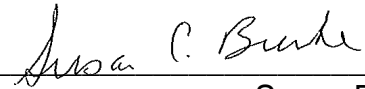
In the present case, Claimant filed a request for hearing on [REDACTED] regarding the Food Assistance Program (FAP). However, Claimant stated at the hearing that the FAP issue had been resolved, so Claimant was no longer aggrieved with respect to her request for hearing. It is noted that Claimant's FAP case closed sometime after her request for a hearing, and if she objects to that closure she must file a new request for a hearing.

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 CDC application 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 CDC application of [REDACTED] shall be reinstated and reprocessed, and, if Claimant otherwise qualifies, all missed benefits of CDC shall be made in the form of supplemental payments. It is further ORDERED that Claimant's request for hearing regarding FAP is

201131918/SB

DISMISSED pursuant to MAC R. 400.903.



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

Date Signed: June 8, 2011

Date Mailed: June 8, 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 90 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.

SB/ hw

cc:

