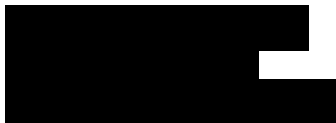


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201131972
Issue No: 1005, 3008
Case No: [REDACTED]
Hearing Date: July 13, 2011
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: COREY A. ARENDT

HEARING DECISION

This matter is before me 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 July 13, 2011. The Claimant and Department appeared and provided testimony.

ISSUE

Did the Department properly deny Claimant's Family Independence Program (FIP) application for benefits and close Claimant's Family Assistance Program (FAP) for failure to provide income verification?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On approximately August 17, 2010, the Claimant submitted to the Department an application for FAP and FIP benefits. The Claimant listed on the application a different address than the address she actually lived at. (Department Exhibit 3).
2. On August 27, 2010, the Claimant met with a Department employee and submitted income information and a copy of her social security card. The Department employee told the Claimant the computer system was down and he would have to input the information on August 30, 2010. (Department Exhibit 3).
3. Between September 1, 2010 and September 21, 2010, the Claimant attempted several times by phone to speak to a Department employee regarding her address. Each time the Claimant reached a voicemail box or message indicating the voicemail box was full. (Department Exhibit 3).

4. On September 8, 2010, the Department sent the Claimant a Notice of Case Action. The notice indicated the Claimant's application for FIP was being denied and her FAP benefits were being closed. (Department Exhibit 13-15).
5. On September 15, 2010, the Department sent the Claimant a Verification Checklist requesting the Claimant's help in determining the Claimant's eligibility for FAP. (Department Exhibit 16-17).
6. On September 30, 2010, the Claimant accessed an online statement indicating her FIP benefits were denied.
7. On November 5, 2010, the Claimant submitted to the Department a request for hearing regarding the Departments denial of her FIP application and closure of her FAP benefits.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. (MAC R 400.903(1)).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. (BAM 600).

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) was 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 or 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 Bridges Reference Manual (BRM).

Department policy indicates that clients must cooperate with the local office in determining initial and ongoing eligibility with all programs. (BAM 105). This includes completion of the necessary forms. Clients who are able to but refuse to provide necessary information or take a required action are subject to penalties. (BAM 105).

Clients must take actions within their ability to obtain verifications. (BAM 130; BEM 702). Likewise, DHS local office staff must assist clients who ask for help in completing forms. (BAM 130; BEM 702; BAM 105). Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. The Department must allow a client 10 calendar days (or other time limit specified in policy)

to provide the requested verification. If the client is unable to provide the verification despite a reasonable effort, the Department must extend the time limit at least once. Should the client indicate a refusal to provide a verification or, conversely, if the time period given has elapsed and the client has not made a reasonable effort to provide it, the Department may send the client a negative action notice. (BAM 130).

In the instant case, the Department at no time provided the Claimant with a reasonable opportunity to fulfill their verification request as the Department failed to timely and properly notify the Claimant. There is no evidence to indicate the Department sent the proper verification requests to the Claimant prior to the Claimant's FIP application being denied and the Claimant's FAP benefits being closed. What was provided by the Department was a verification checklist sent out after the Department already denied the Claimant's FIP application and closed the Claimants FAP benefits. In addition, the Claimant testified she provided the income verification (in-person) prior to the Department denying her FIP application and the closing of her FAP benefits. It was the Department employee who told the Claimant the computers were down and the information would be input into the computer system a few days later. There is no evidence as to whether or not the Department properly handled the Claimant's income verification information.

Accordingly, I find the Agency's actions are **reversed**.

DECISION AND ORDER

I find, based upon the above findings of fact and conclusions of law, that the Department improperly closed Claimant's FAP benefits and denied Claimant's FIP application for failure to provide verification documentation.

Accordingly, the Department's actions are **REVERSED** and the Department shall initiate a redetermination of the Claimant's FIP and FAP benefits for the time period of August 17, 2010 through March 16, 2011, and issue any supplemental FAP and/or FIP benefits Claimant is otherwise entitled to.

/s/

Corey A. Arendt
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 15, 2011

Date Mailed: July 15, 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 date of the rehearing decision.

CAA/cr

cc:

