

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No: 201135856
Issue No: 3008, 6015
Case No: ██████████
Hearing Date:
June 28, 2011
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on February 22, 2011. After due notice, a telephone hearing was held on Tuesday, June 28, 2011.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) and Child Development and Care (CDC) eligibility?

FINDINGS OF FACT

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

1. The Claimant was an ongoing Food Assistance Program (FAP) recipient when she applied for Child Development and Care (CDC) benefits.
2. On September 27, 2010, the Department sent the Claimant a Child Development and Care Provider Verification form (DHS-4025) and a Verification Checklist form (DHS-3503) with due dates of October 7, 2010.
3. On January 20, 2011, the Department had not received the Claimant's application material, and it notified her that it would close her Food Assistance Program (FAP) benefits and deny her Child Development and Care (CDC) application for failure to provide information necessary to determine her eligibility to receive benefits.
4. The Department received the Claimant's request for a hearing on February 22, 2011, protesting the closure of her Food Assistance Program (FAP) benefits and the denial of her Child Development and Care (CDC) application.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp 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 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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

The Child Development and Care 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 of Human Services (DHS or Department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

Clients are allowed ten calendar days to provide the verifications requested by the Department. BAM 130. The Department should send a negative action notice when the client indicates a refusal to provide the verification, or the time period provided has lapsed and the client has not made a reasonable effort to provide it. BAM 130. The Department should extend the time limit no more than once if the client cannot provide the verification despite a reasonable effort. BAM 130.

In this case, the Claimant was an ongoing Food Assistance Program (FAP) recipient, and she applied for Child Development and Care (CDC) benefits. On September 27, 2010, the Department sent the Claimant a Child Development and Care Provider Verification form (DHS-4025) and a Verification Checklist form (DHS-3503) with due dates of October 7, 2010. On January 20, 2011, the Department had not received the Claimant's application material, and it notified her that it would close her Food Assistance Program (FAP) benefits and deny her Child Development and Care (CDC) application for failure to provide information necessary to determine her eligibility to receive benefits.

The Claimant argued that she had submitted the necessary material to the Department, which must have been lost by the Department. The Claimant testified that she transferred her benefits case to another office, and that is when the Department issued its negative case action.

The Claimant has the burden of establishing that she is eligible to receive benefits. In this case, the Claimant has failed to establish that she submitted the necessary material to determine her eligibility to receive benefits. Although the Department may have exceeded its standard of promptness before closing the Claimant's benefits, this is not justification to reverse the Department's actions.

Based on the evidence and testimony available during the hearing, the Department has established that it properly terminated the Claimant's benefits for failure to provide information necessary to determine her eligibility to receive benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's FAP and CDC eligibility.

The Department's Food Assistance Program (FAP) and Child Development and Care (CDC) eligibility determination is AFFIRMED. It is SO ORDERED.



Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: June 29, 2011

Date Mailed: June 30, 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.

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