

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-39337
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: August 1, 2011
County DHS

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 August 1, 2011 in Detroit, Michigan. Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED] AP Supervisor, and [REDACTED] ES.

ISSUE

Was the Department correct in its decision to deny Claimant's Food Assistance Program (FAP) application due to refusal to cooperate with the Department?

FINDINGS OF FACT

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

1. Claimant applied for FAP benefits on May 23, 2011.
2. The Department issued a Verification Checklist to Claimant on May 24, 2011.
3. Claimant did not receive the Verification Checklist.
4. The Department denied Claimant's FAP application on June 8, 2011.
5. Claimant requested a hearing on June 16, 2011, protesting the negative action.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (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 (formerly known as the Family Independence Agency) administers the FAP program pursuant to CML 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).

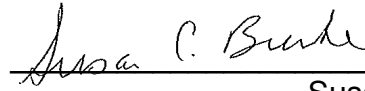
Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 130. The questionable information might be from the client or a third party. *Id.* The Department can use documents, collateral contacts or home calls to verify information. *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 he did not receive the issued Verification Checklist. Claimant said his mail situation is fine, as far as he knows, as he did receive the notice of denial. Upon receiving the notice of denial, Claimant made a reasonable effort to call the Department, and he also followed the directions regarding requesting an appeal. It is likely that had he received the Verification Checklist, he would have acted upon that as he acted on other matters. Based on the above discussion, I cannot find that Claimant refused to cooperate with the Department, and therefore the Department's decision to deny Claimant's FAP application due to refusal to cooperate was not correct.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law decides that the Department was not correct in its decision to deny Claimant's FAP application. It is therefore ORDERED that the Department's decision is REVERSED. It is further ORDERED that the Department shall:

1. Reinstate and reprocess Claimant's FAP application of May 23, 2011.
2. Issue supplements for any missed or increased pay ments, if Claimant is found to be eligible.



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

Date Signed: 8/3/11

Date Mailed: 8/3/11

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.

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