

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-40062
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: July 28, 2011
Wayne 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 July 28, 2011 in Detroit, Michigan. Claimant appeared and testified. Claimant's spouse, [REDACTED] also testified on behalf of Claimant. The Department of Human Services (Department) was represented by [REDACTED] Assistance Payments Worker, and [REDACTED] Assistance Payments Supervisor.

ISSUE

Was the Department correct in its decision to close Claimant's Food Assistance Program (FAP) case 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 was an ongoing FAP recipient.
2. The Department issued a Verification Checklist to Claimant on February 12, 2011, and February 15, 2011, requesting verification of mortgage and employment information by February 22, 2011 and February 25, 2011.
3. Claimant submitted to the Department verification information on February 14, 2011 and on March 3, 2011.

4. Claimant attempted to contact the Department worker multiple times without success.
5. The Department closed Claimant's FAP case, with a notice date of March 30, 2011.
6. Claimant requested a hearing on April 11, 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).

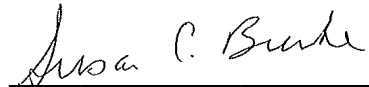
Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 130. The questionable information might be from the client or a third party. *Id.* The Department can use documents, collateral contacts or home calls to verify information. *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 received verification checklists of February 12, 2011 and February 15, 2011. Claimant made a reasonable effort to provide the verification, faxing some of the information on February 14, 2011. As soon as Claimant's spouse could obtain the other information, she submitted it to the Department at its office on March 3, 2011. Although, Claimant's spouse concedes that she did not sign the log when she dropped off the verification at the Department, Claimant's spouse is found to be credible when she describes the information obtained and submitted. Claimant's spouse also testified that she attempted to contact her worker by phone, but no phone calls were returned. This is supported by the worker's testimony that she did not have a phone in place until April of 2011. Based on the above discussion, I cannot find that Claimant refused to cooperate with the Department, and therefore the Department's decision to close Claimant's FAP case 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 close Claimant's FAP case. It is therefore ORDERED that the Department's decision is REVERSED. It is further ORDERED that the Department shall:

1. Reinstate Claimant's FAP case to the date of closure, if Claimant is otherwise eligible.
2. Issue supplements for any missed or increased payments.



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

Date Signed: 8/1/11

Date Mailed: 8/1/11

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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