

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

IN THE MATTER OF:



Reg. No: 201140187
Issue Code: 3008
Case No: [REDACTED]
Hearing Date: August 30, 2011
Macomb 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 August 30, 2011. The Claimant and Department appeared by telephone and provided testimony.

ISSUE

Did the Department properly deny Claimant's Family Assistance Program (FAP) benefits for failure to provide loss of employment verification?

FINDINGS OF FACT

I find as material fact, based upon the competent, material and substantial evidence on the whole record:

1. On May 6, 2011, the Claimant applied for FAP benefits.
2. On May 10, 2011, the Department sent the Claimant a Verification Checklist. The Verification Checklist requested the Claimant provide loss of employment verification by May 20, 2011. (Department Exhibit 1).
3. On or around May 10, 2011, the Claimant received the Verification Checklist. On or around May 10, 2011, the Claimant gave her mother the appropriate documentation to verify her employment status. The Claimant instructed her mother to turn the documentation into the Department.
4. The Department did not receive the necessary verification documentation by May 20, 2011.
5. On May 31, 2011, the Department sent the Claimant a Notice of Case Action. The Notice of Case Action indicated the Claimant's FAP

application was denied for failure to turn in the requested verification documentation. (Department Exhibit 2).

6. On June 8, 2011, the Claimant requested a hearing.

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 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 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 requested the Claimant produce specific information in order to maintain her eligibility. The Claimant gave her mother the necessary information to turn in on her behalf. There is nothing in the evidence to indicate the Claimant's mother indeed did as requested in a timely manner.

As a result, I find more likely than not, the Claimant did not comply with the Department's request.

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

DECISION AND ORDER

I find, based upon the above findings of fact and conclusions of law, the Department properly denied the Claimant's FAP application.

Accordingly, the Department's actions are **AFFIRMED**.

/s/

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

Date Signed: August 30, 2011

Date Mailed: August 31, 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:

