

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-42389  
Issue No.: 3008  
Case No.: [REDACTED]  
Hearing Date: August 3, 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 August 3, 2011 in Detroit, Michigan. Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED]

**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 recipient of FAP.
2. On May 17, 2011, the Department issued a redetermination form to Claimant with an interview date of June 2, 2011.
3. Claimant completed the form and attended the interview on June 2, 2011.
4. The Department informed Claimant at the interview that proofs would be requested, such as pay stubs.
5. Claimant attempted to mail the pay stubs via U.S. Mail.

6. The Department issued a Verification Checklist on June 9, 2011, with proofs due by June 20, 2011.
7. Claimant did not receive the Verification Checklist.
8. The Department closed Claimant's FAP case, effective June 30, 2011.
9. Claimant requested a hearing, protesting the closure of his case on June 27, 2011.
10. At the hearing, Claimant presented his pay stubs and other documentation, but not the complete verification requested in the Verification Checklist.

### **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, the Department issued a Notice of Redetermination to Claimant on May 17, 2011 with a scheduled interview on June 2, 2011. Claimant completed the Redetermination form and attended the interview. At the interview, the Department told Claimant that he would have to verify information. Claimant testified credibly at the hearing that he attempted to mail his pay stubs via U.S. mail, albeit the Department did not receive the forms. Claimant also testified credibly that he did not receive the Verification Checklist until he received the packet for the hearing. Claimant did receive the notice of closure and the request for hearing. Claimant brought additional verification to the hearing. Based on the above discussion, I cannot find that Claimant

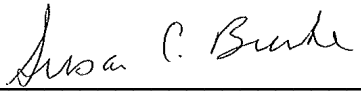
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refused to cooperate, as he made reasonable efforts based on his knowledge to submit the required proofs, and he showed full cooperation previously by submitting the redetermination form and attending the redetermination interview. Therefore, the Department was not correct in its decision to close Claimant's FAP case due to refusal to cooperate with the Department.

**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.) Reinstatement of Claimant's FAP case, effective June 30, 2011, if Claimant is otherwise eligible.
- 2.) Issue supplements for missed or increased payments.

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

Date Signed: 8/3/11

Date Mailed: 8/3/11

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**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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