

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-43361
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: August 31, 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 31, 2011 in Detroit, Michigan. Claimant appeared and testified. Claimant's daughter, [REDACTED] also testified on behalf of Claimant. The Department of Human Services (Department) was represented by [REDACTED] ES.

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 notice of Redetermination Interview for Claimant to attend a phone interview on June 15, 2011.
3. Claimant did not receive the notice, as she was in Arizona.
4. Claimant's daughter opened Claimant's mail and attempted to reschedule the interview for Claimant by calling the person from the Department listed on the notice.
5. The Department did not reschedule Claimant's interview.

6. The Department closed Claimant's FAP case, effective July 1, 2011.

CONCLUSIONS OF LAW

FAP 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 administers the FAP program pursuant to MC L 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 Program Reference Manual.

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 to Claimant a Notice of Redetermination Interview for an appointment of June 15, 2011. Claimant was in Arizona at the time and Claimant's daughter opened Claimant's mail. Claimant's daughter left a voice mail for the Department worker listed on the notice to attempt to reschedule the interview, asking the worker to call Claimant. Claimant did not know about the interview, as the worker did not call Claimant for a new appointment date. Based on the above discussion, I do not find that Claimant refused to cooperate with the Department. Therefore, the Department was not correct in its decision to close Claimant's FAP case.

It is noted that Claimant requested a hearing on Medical Assistance (MA), but no negative action was taken on Claimant's MA case.

DECISION AND ORDER

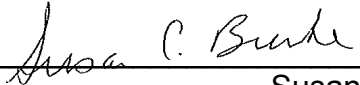
The Administrative Law Judge, based on the above findings of fact and conclusions of law finds that the Department was not correct in its decision to close Claimant's FAP case and it is therefore ORDERED that the Department's decision is REVERSED. It is further ORDERED that the Department shall:

1. Initiate reinstatement of Claimant's FAP case, effective July 1, 2011.

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2. Issue supplements to Claimant for any missed FAP payments, effective July 1, 2011 and ongoing, if Claimant is found to be eligible for FAP.

It is further ORDERED that Claimant's request for hearing regarding MA is DISMISSED pursuant to BAM 600.



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

Date Signed: 9/8/11

Date Mailed: 9/8/11

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 date of the rehearing decision.

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