

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-43964
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: August 31, 2011
Macomb 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. [REDACTED] Claimant's spouse, also testified. The Department of Human Services (Department) was represented by [REDACTED] FIS.

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 the Food Assistance Program (FAP) on April 14, 2011.
2. The Department issued a verification checklist on April 25, 2011 with a due date of May 5, 2011 requesting verification.
3. Claimant submitted all verifications requested by the due date except pay stubs for Claimant's son from his former employer.
4. Claimant's son contacted his former employer for the requested pay stubs, but his former employer did not cooperate with Claimant's son.
5. On May 6, 2011, the Department denied Claimant's FAP application.

6. On May 16, 2011, Claimant requested a hearing, protesting the denial.

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 requested 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 verification checklist requesting verifications regarding income, mortgage, home insurance and taxes. The Department's representative acknowledged at the hearing that all the requested verifications were submitted in a timely fashion except the pay stubs of Claimant's son's former employer. Claimant's spouse testified credibly at the hearing that Claimant's son attempted to obtain the information from the employer but the employer would not cooperate with the son. 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 deny Claimant's FAP application.

It is noted that Claimant requested a hearing on Medical Assistance (MA), but per Claimant and the Department, Claimant is receiving MA and is no longer requesting a hearing on MA.

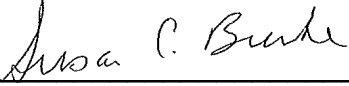
DECISION AND ORDER

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:

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1. Re-register Claimant's FAP application of April 14, 2011.
2. Initiate reprocessing of Claimant's FAP application of April 14, 2011.
3. Issue supplements to Claimant for any missed FAP payments, effective April 14, 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

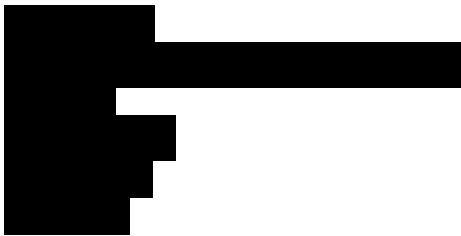
Date Mailed: 9/8/11

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 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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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