

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-45241
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: August 24, 2011
Oakland 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 24, 2011 in Detroit, Michigan. Claimant appeared. Claimant's father, [REDACTED] and [REDACTED] of [REDACTED] testified on behalf of Claimant. The Department of Human Services (Department) was represented by [REDACTED] AP Supervisor, and [REDACTED] ES.

ISSUE

Was the Department correct in its decision to close Claimant's Food Assistance Program (FAP) case due to refusal to cooperate?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Department issued a Redetermination form dated November 30, 2011, notifying Claimant of a telephone interview on December 15, 2010.
2. Claimant's father received the phone call for the interview on December 15, 2010, but was unable to answer the call.
3. Claimant's father attempted contacting the Department within an hour and a half of the missed interview.

4. On December 15, 2010, the Department issued to Claimant a Notice of Missed Interview, instructing Claimant to reschedule the interview prior to December 31, 2010.
5. Prior to December 31, 2010, Claimant's father made numerous phone calls to the Department, attempting to reschedule the interview.
6. Claimant's worker did not return Claimant's father's calls.
7. The Department closed Claimant's case, effective January 1, 2011 due to missed interview form.

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 Program Reference Manual (PRM).

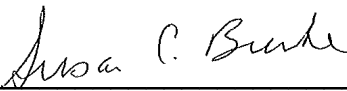
Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 130. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130.

In the present case, Claimant's father acknowledges that he missed a scheduled redetermination interview, but as instructed on the Notice of Missed Interview, Claimant's father attempted to reschedule the interview prior to December 31, 2010. The Department did not allow Claimant to reschedule the missed interview because the Department did not return Claimant's father's calls. The Department argues that perhaps the Department worker did not return Claimant's father's messages because redetermination paperwork was not received. However, the Notice of Missed Interview only advises Claimant to call to reschedule the interview, not to submit paperwork. In addition, the Redetermination form states, "To **complete** the interview, your specialist must have the completed redetermination form." It is noted that the Redetermination form does not say, "To **start** the interview, your specialist must have the completed redetermination form." (Emphasis added.) Based on the above discussion, I cannot find that Claimant refused to cooperate with the Department and the Department was therefore not correct in its decision to close Claimant's FAP case.

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 and it is therefore ORDERED that its decision is REVERSED. It is further ORDERED:

1. The Department shall initiate reinstatement and redetermination of Claimant's FAP case, effective January 1, 2011.
2. The Department shall issue supplements to Claimant from January 1, 2011 and ongoing if Claimant is found to be eligible for FAP.



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

Date Signed: 8/29/11

Date Mailed: 8/29/11

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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