

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-46042  
Issue No.: 3008  
Case No.: [REDACTED]  
Hearing Date: August 29, 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 29, 2011 in Detroit, Michigan. Claimant appeared and testified. 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. On June 28, 2011, the Department issued to Claimant a Verification of Employment form, requesting information on Claimant's employer of four hours in February of 2011.
3. Claimant received the Verification of Employment form, but since she was currently working as her mother's caregiver, did not think that she had to verify a former temporary employer.

4. The Department closed Claimant's FAP case effective August 1, 2011 due to refusal to cooperate with the Department.
5. Claimant requested a hearing on August 1, 2011, protesting the closure of her FAP case.

### **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).

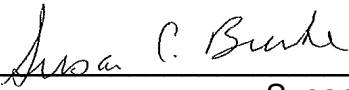
Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 130. The requested information might be from the client or a third party. *Id.* The Department can use documents, collateral contacts or home calls to verify information. *Id.* 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, on June 28, 2011, the Department issued a Verification of Employment form to Claimant, requesting information on a temporary former employer of February, 2011. Claimant misunderstood the request, thinking that the Department would be only interested in her current employment as her mother's caregiver. Claimant did not provide the requested information by the due date of July 8, 2011. The Department then closed Claimant's case on July 11, 2011 due to failure to provide the verification. It is noted that Claimant brought the employer verification to the hearing and that Claimant testified credibly that had she known the information regarding a former employer of four hours was necessary, she would have provided the information as requested. Based on the above discussion, I cannot find that Claimant refused to cooperate; rather, she misunderstood the direction of the Department and corrected her actions as soon as she understood the direction of the Department. Therefore, the Department was 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 the Department's decision is REVERSED. It is further ORDERED that the Department shall:

1. Initiate reinstatement of Claimant's FAP case, effective August 1, 2011, if Claimant is otherwise eligible.
2. Issue supplements for any missed or increased FAP payments, August 1, 2011 and ongoing, if Claimant is found to be eligible.

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

Date Signed: 9/2/11

Date Mailed: 9/2/11

**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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