

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]
Claimant

Reg. No: 2009-18392
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 27, 2009
Livingston County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 hearing was held on May 27, 2009.

ISSUE

Was the claimant's FAP application properly denied for a failure to provide verifications?

FINDINGS OF FACT

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

- (1) On 2-4-09, claimant applied for the Food Assistance Program (FAP).
- (2) On 2-5-09, claimant was interviewed and given a DHS-3503, Verification Checklist.
- (3) Among the requested verifications were requests for records of all income sources.
- (4) Claimant was given a due date for these verification of 2-14-09.

(5) Claimant did not return verification of income from [REDACTED]

(6) Claimant listed [REDACTED] on his DHS-1171, Assistance Application, as a source of income.

(7) On 3-6-09, claimant's FAP application was denied and a notification was sent to claimant informing him of the denial.

(8) On 3-17-09, claimant submitted a 1099 that showed his income from [REDACTED]

[REDACTED]

(9) On 4-3-09, claimant filed for hearing, alleging that he had returned the verifications as requested.

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 (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

A DHS-1171, Assistance Application must be completed when eligibility is re-determined. PAM 210. An application is considered incomplete until it contains enough information to determine eligibility. PAM 115. Eligibility is determined through a claimant's verbal and written statements; however, verification is required to establish the accuracy of a claimant's verbal and written statements. Verification must be obtained when required by policy, or when information regarding an eligibility factor is incomplete, inconsistent, or contradictory.

An application that remains incomplete may be denied. PAM 130. All sources of income must be verified. PEM 500.

In the current case, the Department contends that claimant did not return required verifications of his income, as required by the regulations, and was therefore denied FAP benefits.

Claimant admits that he did not return the [REDACTED] verifications until 3-17-09, and did not provide a satisfactory reason for doing so. Claimant alleges that he was unaware that he was required to turn in verifications of this income; however, the DHS-3503, which claimant acknowledges receiving, clearly request verifications for all income. Claimant's assistance application lists [REDACTED] as a source of income. Therefore, claimant's allegations are without merit. The fact remains that claimant did not return a properly requested verification, and without this verification, the Department was unable to determine eligibility.

Therefore, the Department was correct in its determination that claimants FAP case should be denied.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to deny claimant's FAP application was correct.

Accordingly, the Department's decision in the above stated matter is, hereby,
AFFIRMED.

/s/ _____
Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 8, 2009

Date Mailed: June 9, 2009

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 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.

RJC/cv

cc:

