

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: 2009-33427

Issue No: 3002, 3008

Case No:

Load No:

Hearing Date:

September 17, 2009

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 conducted from [REDACTED] on September 17, 2009.

ISSUE

Whether the Department properly denied Claimant's original Food Assistance Program (FAP) application based upon his failure to provide requested verification(s) and whether the Department properly computed the Claimant's FAP allotment based on his subsequent application?

FINDINGS OF FACT

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

- (1) On June 18, 2009, Claimant applied for FAP benefits.
- (2) On July 14, 2009, the Department mailed Claimant a Verification Checklist, DHS-3503, with a due date of July 27, 2009. (Exhibits 3-4)

(3) On July 15, 2009, the Department interviewed Claimant.

(4) On July 22, 2009, the Department received Claimant's response to the Verification Checklist, but it only contained one pay check (July 10, 2009) for his wife, [REDACTED], instead of 30 days as requested. (Exhibit 10)

(5) On July 28, 2009, the Department mailed Claimant a Notice of Case Action informing him that his FAP application had been denied because he had only sent one paystub for his wife. (Exhibits 5-6)

(6) On July 30, 2009, Claimant contacted the Department to explain that his wife took an unpaid vacation so he only had one pay check for her for the last 30 days. The Department advised Claimant to re-apply.

(7) On July 31, 2009, Claimant reapplied for FAP benefits and returned pay checks for his wife dated June 26, 2009, July 10, 2009 and July 24, 2009. (Exhibits 11-13)

(8) On August 14, 2009, the Department mailed Claimant a Notice of Case Action with a monthly FAP allotment of \$46 effective August 1, 2009 to June 30, 2010. (Exhibits 7-8)

(9) On August 18, 2009, the Department received Claimant's hearing request protesting the denial of his original FAP application and the amount of his FAP allotment from his subsequent application.

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. Departmental 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 office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105, p. 5 Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130, p.1 Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as local office option or information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. BAM 130, p.1 The Department uses documents, collateral contacts or home calls to verify information. BAM 130, p.1 A collateral contact is a direct contact with a person, organization or agency to verify information from the client. BAM 130, p. 2 When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130, p. 2

Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the verifications requested by the Department. BAM 130, p. 4 If the client cannot provide the verification despite a reasonable effort, the time limit should be extended no more than once. BAM 130, p. 4 A negative action notice should be sent when the client indicates a refusal to provide the verification or the time period provided has lapsed and the client has not made a reasonable effort to provide it. BAM 130, p.4

For FAP purposes, all earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization

or from self-employment for duties that were performed for remuneration or profit.

Unearned income means ALL income that is not earned and includes FIP, RSDI, SSI and UB. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. BEM 500

The Department determines a client's eligibility for program benefits based on the client's actual income and/or prospective income. Actual income is income that was already received. Prospective income is income not yet received but expected.

Prospective budgeting is the best estimate of the client's future income. BEM 505

All income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid every other week, the Department multiplies the average bi-weekly amount by 2.15.

BEM 505

In the instant case, Claimant clearly failed to return 30 days worth of proof of income for his wife by the due date which was the reason that his original application was denied. In terms of his subsequent application, Claimant agreed that the Department used the correct income and expense figures in completing the FAP Budget, but simply did not understand why he was approved for only \$46 in benefits given his financial situation.

With the above said, based on the testimony and documentation offered at hearing, I find that the Department established that it acted in accordance with policy in denying Claimant's original FAP application for failure to provide the requested verification(s) and in computing Claimant's FAP allotment based on his subsequent application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with policy in denying Claimant's original application for failure to provide the requested verification(s) and in computing Claimant's FAP allotment based on his subsequent application.

Accordingly, the Department's FAP eligibility determination(s) are AFFIRMED, it is SO ORDERED.

/s/

Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 17, 2009

Date Mailed: September 18, 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 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.

SMB/db

cc:

[REDACTED]