

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: 2009-31307

Issue No: 3008

Case No:

Load No:

Hearing Date:

August 25, 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 August 25, 2009.

ISSUE

Whether the Department properly denied Claimant's Food Assistance Program (FAP) application based upon her failure to provide requested verification(s)?

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 May 23, 2009, Claimant's mother, [REDACTED], filed an application for FAP benefits on behalf of Claimant. Claimant's date of birth is [REDACTED]. She is disabled and lives with her mother, father and brother. (Exhibit 3)

(2) The Department requested income and expense information for the household, but Claimant's mother wanted to file the application on behalf of her daughter only and did not want to provide the requested household income and expense information.

(3) On June 22, 2009, the Department mailed Claimant a Notice of Case Action informing her that her application for FAP benefits was denied because "You failed to verify or allow the department to verify information necessary to determine eligibility for this program." (Exhibit 4)

(4) On July 23, 2009, the Department received Claimant's hearing request protesting the denial of her application for FAP benefits.

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).

The Department must determine who must be included in the Food Assistance Program (FAP) group prior to evaluating the nonfinancial and financial eligibility of everyone in the group. FAP group composition is established by determining who lives together, the relationship(s) of the people who live together, whether the people living

together purchase and prepare food together or separately and whether the person(s) resides in an eligible living situation. BEM 212, p. 1

The relationships of the people who live together affects whether they must be included or excluded from the group. The Department must first determine if they must be included in the group. Spouses who are legally married and live together must be in the same group. Parents and their children **under 22 years of age** who live together must be in the same group regardless of whether the child has his/her own spouse or child who lives with the group. BEM 212, p. 1

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

In the instant case, there is no dispute that Claimant's mother wanted to apply for benefits for her daughter only and not for her or the rest of her family, therefore, she did not want to nor did she provide information regarding household income and expenses to the Department. Department policy, however, mandates that Claimant and her parents be in the same group given that she was under 22 at the time of application and they all lived in the same household. As a result, the Department could not process Claimant's application.

With the above said, I find that the Department established that it acted in accordance with policy in denying Claimant's FAP application based upon her failure to provide requested verifications.

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 FAP application based upon her failure to provide requested verifications. Accordingly, the Department's FAP eligibility determination is AFFIRMED, it is SO ORDERED.

/S/

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

Date Signed: August 31, 2009

Date Mailed: September 2, 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.

SMB/db

cc:

