

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: 2009-34045
Issue No: 1005; 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 4, 2009
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 November 4, 2009. Claimant appeared and testified.

ISSUES

- (1) Did the Department of Human Services properly deny Claimant's Family Independence Program (FIP) application for failure to verify earned income?
- (2) Did the Department of Human Services properly deny Claimant's Food Assistance Program (FAP) application for failure to verify earned income?

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 July 13, 2009, Claimant submitted an application for Family Independence Program (FIP) and Food Assistance Program (FAP) benefits. On the application Claimant reported ongoing earned income.

- (2) On July 13, 2009, Claimant was sent a Verification Checklist (DHS Form 3503). The form specifically requested verification of Claimant's earned income. The form listed three acceptable ways the verification could be provided: last 30 days of check stubs or earnings statements; employer statement; or Verification of Employment (DHS Form 38). The verification was due back to the Department by July 23, 2009.
- (3) On August 19, 2009, the only earned income information the Department had received was a single pay check stub for one week of employment. Claimant was sent a Notice of Case Action (DHS-1605) which denied her application for Family Independence Program (FIP) and Food Assistance Program (FAP) benefits.
- (4) On August 24, 2009, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (DHS or department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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).

None of the above facts are disputed. Claimant asserts her employment ended and the single pay check stub she provided was the last one she got. That single, weekly, pay check stub is in evidence and was for the week beginning June 27, 2009 and ending July 3, 2009. If Claimant's assertion she lost the employment and her check for the period ending July 3, 2009, was her last one is true, she would have known she was no longer employed on or before July 3, 2009. That was 10 days before she applied for assistance on July 13, 2009. That would make her application signed on July 13, 2009, stating she had ongoing employment a fraudulent application. The facts in this record show that Claimant has either committed perjury by lying under oath or attempted fraud by submitting a false application for assistance. Unfortunately Administrative Law Judges do not have the legal authority to find and punish contempt or otherwise deal with this type of willful disregard for the rules and laws of society.

In any case, the Department of Human Services is required to verify income before assistance is approved. Claimant did not provide the required income verification so her application was properly denied.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) application for failure to verify earned income.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 10, 2009

Date Mailed: November 16, 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.

GFH 

cc:

