

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: 2010-14269
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 4, 2010
Macomb 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 February 4, 2010.

ISSUE

Was the claimant's shelter expense properly denied for failing to return verifications?

Was the claimant's group size properly computed for failure to return a Social Security number?

FINDINGS OF FACT

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

- (1) Claimant was a FAP recipient in Macomb County.
- (2) Claimant was sent a DHS-3503, Verification Checklist, with instructions to return a shelter verification form and proof of a group member's Social Security number.

- (3) Claimant did not return the requested information.
- (4) Claimant had originally returned a shelter verification in May 2009, but it was not signed and, therefore, insufficient.
- (5) On December 1, 2009, claimant was sent a negative action notice that lowered his FAP benefit from \$28 to \$16 by removing the unverified shelter expense.
- (6) Claimant made no effort to contact the Department to question the DHS-3503.
- (7) On December 7, 2009, claimant requested a hearing.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

An application or redetermination is considered incomplete until it contains enough information to determine eligibility. BAM 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.

With regard to claimant's group size, the Administrative Law Judge will only note that BEM 223 requires a SSN from all eligible group members. While claimant argued that this number was submitted when he submitted the group member's pay stub, the undersigned, after examining this pay stub carefully, must conclude that the SSN was not contained upon it.

Therefore, there is great evidence to show that the SSN was never submitted, and that the group member in question must be disqualified, leaving claimant the sole member of the group in question.

Claimant next argued that his shelter expenses should have been taken into account in his FAP budget. Claimant submitted shelter verification in May, 2009; however, this shelter verification was not signed, and was therefore insufficient. Claimant also argued that he had submitted a signed rental agreement. The Department testified that they had never received this rental agreement, and the claimant was unable to offer any proof that he had submitted the agreement.

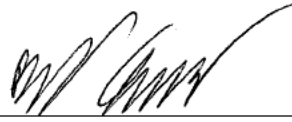
Furthermore, claimant argues that he did not submit the requested verifications because he had submitted them to the Department in May. The undersigned does not find this credible; claimant made no attempt to contact the Department upon receiving the request for verifications, and never questioned why the Department felt they needed the verification. The undersigned simply does not find it reasonable for a claimant to believe that everything in his file was in order if he was receiving requests from the Department. A simple phone call would have been prudent, and would have put the proverbial ball back in the Department's court.

The fact of the matter was, the Department did not have the verifications, and thus could not determine a shelter expense. A request was made, and this request was ignored, regardless of the reasons for ignoring the request. Had the claimant simply contacted the Department, verifications could have been provided. He did not. As the shelter expense was unverified, and BEM 554 states that unverified shelter expenses are to be disallowed, the undersigned must hold that the Department was correct in disallowing the expense.

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 shelter expense and expanded group size was correct.

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



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

Date Signed: 04/29/10

Date Mailed: 04/29/10

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.

RJC/dj

cc:

