

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.: 201032578

Issue No.: 3019

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

May 24, 2010

Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing received by the Department on February 19, 2010. After due notice, a three way telephone hearing was conducted from Detroit, Michigan on May 24, 2010. The Claimant appeared and testified. [REDACTED] FIM and [REDACTED], ES appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's Food Assistance Program ("FAP") benefits due to a failure to timely return verifications?

FINDINGS OF FACT

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

1. The Claimant applied for FAP benefits via an online application on 1/13/10.

2. An interview was conducted, and on 1/25/10 the Department mailed out a verification checklist requesting verification of VA benefits and shelter expenses with a due date of 2/4/10. (Exhibit 1, p. 1-2).
3. On 2/10/10, the Department denied benefits for failure to return the verifications. (Exhibit 1, p. 5).
4. On 2/19/10, the Claimant submitted a hearing request along with verification of his VA benefits and incomplete wage verification.
5. Claimant testified that he received the verification checklist late due to a change of address and mail that was getting sent to [REDACTED]. However, Claimant also testified that his address on file with the Department remained the same.
6. The Department denied benefits effective 1/13/10 for failure to submit verifications.
7. On February 19, 2010, the Department received the Claimant's Request for Hearing protesting the denial of the FAP benefits.
8. Claimant applied for and was awarded benefits effective 3/4/10.

CONCLUSIONS OF LAW

The Food Assistance Program, 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"), formerly known as the Family Independence Agency, 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 Reference Tables ("RFT").

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the 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. Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. 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. The proper mailing and addressing of a letter creates a presumption of receipt. That presumption may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976).

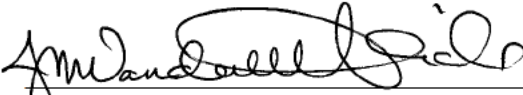
In this case, the Claimant testified that he received the verification checklist late and that is why his verifications were submitted late. Claimant indicated that his mail was being forwarded and so it took longer for him to receive the verification checklist. Claimant also testified that his address on file with the Department did not change, so it is difficult to understand why the mail took longer. It is interesting to note also, according to the Department, that Claimant submitted the verifications at the same time as he submitted his hearing request. The denial was issued on 2/10/10, so Claimant would have received it and responded promptly with his hearing request. The Administrative Law Judge does not find that Claimant submitted sufficient evidence to rebut the presumption that the verification checklist was received timely.

Accordingly, based on the findings of fact and rules of law stated above, it is found that the Department properly denied the Claimant FAP benefits and the Department's decision is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that there was sufficient evidence presented to affirm the Department's actions.

Accordingly, it is held that the Department's decision to deny FAP benefits for failure to submit verification effective 1/13/10 is AFFIRMED.

/s/ 

Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 10, 2010

Date Mailed: June 10, 2010

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.

JV/htw

cc:

