

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.: 2010-33605
Issue No.: 3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
June 3, 2010
SSPC-East (98)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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. After due notice, a telephone hearing was conducted from Detroit, Michigan on June 3, 2010. Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Manager, and [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's 1/26/10 request for Food Assistance Program benefits due to Claimant's failure to verify 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. Claimant applied for Food Assistance Program (FAP) benefits on 1/26/10.

2. On 1/29/10, DHS interviewed Claimant who stated that he received income from Social Security Administration (SSA).
3. DHS unsuccessfully attempted to verify Claimant's SSA income through their database.
4. On 1/29/10, DHS mailed Claimant a DHS-3503 requesting verification of his SSA income.
5. Claimant failed to contact DHS by the 2/8/10 due date regarding income he received from SSA.
6. DHS denied Claimant's request for FAP on 2/16/10 due to Claimant's failure to verify SSA income.
7. Claimant does not receive any income from SSA.
8. Claimant submitted a hearing request on 2/24/10 regarding denial of the 1/26/10 request for FAP benefits.

CONCLUSIONS OF LAW

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

A request for program benefits begins with the filing of a DHS-1171 or other acceptable form. BAM 110. If verifications are needed to process the application, DHS is to request them in writing. BAM 130. DHS must give clients at least ten days to submit verifications. *Id.* After the date passes for submission of verifications, DHS is to process the program request for benefits by either evaluating a client's eligibility or denying the request for failure to verify necessary information. BAM 220.

In the present case, Claimant did not list any unearned income on the 1/26/10 Assistance Application. DHS subsequently interviewed Claimant on 1/29/10. [REDACTED] credibly testified that during the interview she asked how Claimant was able to pay his bills with zero income; [REDACTED] [REDACTED] also credibly testified that Claimant responded that he had income from SSA. Claimant denied making such a statement and further testified that he applied for SSA benefits but has yet to receive them.

The undersigned finds that the testimony of [REDACTED] was more credible than Claimant's. The DHS-3503 dated 1/29/10 requesting verification of the income specifically requested "proof of Social Security Disability income." The request for the income tends to prove that DHS did not manufacture Claimant's statement that he received SSA income. [REDACTED] [REDACTED] also provided a convincing context for Claimant's statement. It is reasonable that a client would make such a statement in response to a query about how he could pay his bills without income. Further, if Claimant did not receive SSA income, Claimant should have contacted DHS after receiving the DHS-3503 to inform DHS that he was not receiving the income; Claimant made no such attempts. It is found that Claimant informed DHS that he received SSA income.

Clients must verify all countable income at application. BEM 500 at 9. Income from SSA is considered countable income. BEM 503 at 20. Failure to timely verify income results in denial of the program request. BAM 130 at 5.

In the present case, Claimant reported receiving SSA income and failed to verify the income. It is not relevant that Claimant never received the income; DHS had no reason to believe that Claimant incorrectly reported receiving the income. It is found that DHS properly requested verifications based on Claimant's statements and Claimant failed to respond to the request. DHS properly denied Claimant's 1/26/10 request for FAP benefits. As discussed in the hearing, Claimant can always reapply for benefits.

DECISION AND ORDER

The actions taken by DHS are AFFIRMED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's 1/26/10 request for FAP benefits.



Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 06/11/2010

Date Mailed: 06/11/2010

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.

CG/cjp

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