

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: 2010-35487
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 15, 2010
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on May 17, 2010. After due notice, a telephone hearing was held on June 15, 2010.

ISSUES

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) eligibility?

Whether the Department of Human Services (Department) properly determined the Claimant's State Emergency Relief (SER) eligibility?

FINDINGS OF FACT

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

- (1) The Claimant applied for FAP benefits on March 4, 2010. Department Exhibit 1.

- (2) The Claimant applied for SER benefits on April 30, 2010. Department Exhibit 5.
- (3) The mailing address on the FAP and SER applications is the address of the Claimant's mother. Department Exhibit 5.
- (4) The Claimant is under the age of 22. Department Exhibit 5.
- (5) The Department sent the Claimant a verification checklist with a due date of April 30, which was extended to May 10, 2010. Department Exhibit 4.
- (6) The Department denied the Claimant's application for FAP and SER benefits on May 10, 2010, for failure to cooperate in the eligibility determination process.
- (7) The Department received the Claimant's request for a hearing on May 17, 2010, protesting the denial of his FAP and SER applications.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (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 (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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

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 a 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.

Clients are allowed ten calendar days to provide the verifications requested by the Department. BAM 130, p. 4. The Department should send a negative action notice 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. The Department should extend the time limit no more than once if the client cannot provide the verification despite a reasonable effort. BAM 130, p. 4.

FAP group composition is established by determining who lives together, the relationship of the people who live together, whether the people living together purchase and prepare food together or separately, and whether the persons resides in an eligible living situation. BEM 212. A parent and a child under the age of 22 living in the same household must be included in the same FAP group. BEM 212.

The Claimant applied for FAP benefits on March 4, 2010. The Claimant is under the age of 22, and is using his mother's address as his mailing address. The Department requested income verification for the Claimant's mother, with a due date of April 30, 2010. The Department extended the due date for verification to May 10, 2010, but denied the Claimant's application when it did not receive the requested verification documents from the Claimant.

The Claimant argued that he is homeless, and that he does not live with his mother. The Claimant testified that he only used his mother's address to receive mail. A mother and a son under the age of 22 must be included in the same FAP group. The Claimant did not present any evidence that he does not live in the same household as his mother.

The Department considers income of all members of a FAP group when determining eligibility. Because the Claimant and his mother are required to be in the same FAP group, the Department was acting according to policy when it requested income verification from the Claimant's mother. The Department has established that it properly denied the Claimant's application for FAP benefits for failure to cooperate.

The Claimant applied for SER benefits on April 30, 2010, after receiving a utility shut off notice on April 21, 2010, for a household with the same mailing address as the Claimant's mother. The Claimant's application listed himself as the only member of the household at that address. The Department requested verification of household income on April 30, 2010, with a due date of May 10, 2010. When this information was not received, the Department denied the Claimant's SER application.

The Department has established that it acted in accordance with policy when it denied the Claimant's application for SER benefits for failure to cooperate.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's FAP and SER eligibility.

The Department's FAP and SER eligibility determination is AFFIRMED. It is SO ORDERED.

/s/

Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 24, 2010

Date Mailed: June 24, 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.

KS/vc

cc:

