

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201038395
Issue No.: 3013
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 1, 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 held on July 1, 2010. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], and [REDACTED] Specialist. Appeared and testified.

ISSUE

Whether DHS properly closed Claimant's Food Assistance Program (FAP) benefits due to Claimant's failure to submit verifications after expedited service.

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 4/16/10, Claimant applied for FAP benefits.
2. Claimant's circumstances made her eligible for expedited FAP benefits.
3. DHS properly opened Claimant's FAP benefits for 4/2010 and 5/2010.
4. On 4/28/10, DHS mailed Claimant a Verification Checklist (DHS-3503) (Exhibit 2).

5. The DHS-3503 requested verification of Claimant's unearned income made from rent.
6. The DHS-3503 due date was 5/10/10.
7. Claimant failed to verify the unearned income.
8. DHS closed Claimant's FAP benefits on 5/14/10 due to Claimant's failure to verify unearned income.
9. Claimant submitted a hearing request on 6/8/10 disputing the closure of FAP benefits.

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 (formerly known as the Family Independence Agency) administers the FAP program pursuant to CML 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).

Expedited FAP benefit processing has a shorter standard of promptness and fewer verification requirements to determine FAP eligibility than are normally required. BAM 117 at 1. FAP groups eligible for expedited FAP benefits that apply after the 15th of the month receive a minimum benefit period of two months (month of application and following month). *Id* at 4. FAP groups eligible for expedited service that fail to provide verifications will not be issued benefits for subsequent months until the FAP group provides the waived verification or completes a redetermination. *Id*. DHS is directed to allow the benefit period to expire if verifications are not submitted by the tenth day following the request (or extended date, if applicable) then DHS should allow the benefits to expire. *Id*.

In the present case, DHS properly processed Claimant's expedited FAP benefits. DHS also properly requested verifications from Claimant including a request regarding Claimant's rental income. Claimant testified submitting the verification approximately two weeks after receiving the DHS-3503. DHS testified that the verifications were never received.

The undersigned is inclined to find that Claimant did not submit the needed verifications. DHS credibly testified that they did not receive the requested verifications. Even if it was found that Claimant's testimony was credible, Claimant's submission would almost certainly have been after the due date on the DHS-3503. DHS mailed the DHS-3503 on

4/28/10. If Claimant received the DHS-3503 the next day, two weeks later would mean that Claimant mailed the documents on 5/13/10. The DHS-3503 due date was 5/10/10. It is found that DHS properly terminated Claimant's FAP benefits due to Claimant's failure to verify unearned income.

Claimant's proper recourse would be to reapply for FAP benefits. Claimant indicated that she reapplied for FAP benefits on 6/16/10.

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 terminated Claimant's FAP benefits

Christian Gardocki

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

Date Signed: 07/02/2010

Date Mailed: 07/02/2010

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 of the rehearing decision.

CG/jlg

cc:

