

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

IN THE MATTER OF:



Reg. No: 201045499
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 26, 2010
Wayne 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 August 26, 2010.

ISSUE

Was the claimant's FAP properly placed into closure for a failure to return verifications?

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 Wayne County.
- (2) Claimant was due for a redetermination for her FAP benefits in April 2010.
- (3) Claimant's Authorized Representative (AR) filled out all paperwork and completed all interviews on behalf of the claimant.

- (4) The Department sent the claimant's AR several verification checklists, each one requesting a copy of the AR's identification.
- (5) Claimant's AR did not return the requested verification.
- (6) The Department closed claimant's FAP case for failing to return this verification.
- (7) On July 22, 2010, 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. An application that remains incomplete may be denied. BAM 130. If the claimant cannot provide verification despite a reasonable effort, the time limit is to be extended at least one time. BAM 130. The identification of an AR must be verified. BEM 221.

After long consideration of the case, the undersigned has determined that the claimant has not met their burden of proof in showing that they returned the required verifications.

There is no dispute that the claimant's AR received all verification checklists. Furthermore, the verification checklist specifically requests the verification of identity for the claimant's AR, as required by BEM 221.

Claimant's AR testified that a relative dropped off the verifications at the Department; however, a check of the Department logbooks show that no person with the name matching the description of this relative ever signed in to the Department. Claimant's AR testified that he faxed in the requested verification; no fax confirmation notices or any other sort of proof was offered to support this testimony. Claimant's AR also testified that he had called the Department, but could not produce call logs that could support this testimony.

The undersigned, while sympathetic to the facts at hand, is unable to give the claimant's AR the benefit of the doubt when the AR testified to dropping off the required documents in several different manners, but was unable to produce any evidence that could sway the matter even slightly in his favor.

As there is no dispute as to whether the verification checklists were received, the burden of proof falls upon the claimant to show that verifications were returned. Without supporting evidence, the undersigned is unable to determine the credibility of the AR's testimony. The claimant was thus unable to meet this burden of proof, and therefore, the undersigned must hold that the verifications in question were not returned.

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 close claimant's FAP case 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: 12/14/10

Date Mailed: 12/20/10

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:

