

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: 201053338
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 7, 2010
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 October 7, 2010. Claimant and her husband appeared and testified through interpreter [REDACTED].

ISSUE

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) case for failure to provide required 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 an ongoing recipient of Food Assistance Program (FAP) benefits.
- (2) On June 29, 2010 the Department received re-determination paperwork for medical coverage of Claimant's children. In the paperwork Claimant indicated that both she and her husband [REDACTED] were working.
- (3) On July 6, 2010 a Verification Checklist (DHS Form 3503) was sent to Claimant requesting verification of income for both her self and [REDACTED].

- (4) On July 16, 2010 Claimant submitted pay stubs for herself and a letter from [REDACTED]. [REDACTED] wrote that he had no pay stubs because he worked for cash and that he was not working at the time because it is hard to find work without a Social Security Number.
- (5) On July 19, 2010 another Verification Checklist (DHS Form 3503) was sent to Claimant requesting a written statement from [REDACTED] employers about his income. The verification was due by July 29, 2010.
- (6) On August 3, 2010 the Department had not received verification of [REDACTED] income. Claimant was sent a Notice of Case Action (DHS-1605) stating her Food Assistance Program (FAP) case would close for failure to verify necessary information.
- (7) On August 24, 2010 Claimant submitted a request for 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 Program Reference Manual (PRM).

Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

BEM 501 INCOME FROM EMPLOYMENT

DEPARTMENT POLICY All Types of Assistance (TOA)

This item identifies both of the following:

- Which income types are considered earned.
- Which earned income types are excluded or counted for each TOA.

WAGES All TOA

Wages are the pay an employee receives from another individual or organization. Wages include salaries, tips, commissions, bonuses, severance pay and flexible benefit funds not used to purchase insurance.

Enter an employee's regular wages paid during a vacation or illness as earned income.

Enter a wage advance as earnings when the employer actually pays it. Do **not** count the money withheld to offset the advance.

Enter wages held by the employer at the request of the employee. Bridges will count as earnings. However, wages held as a general practice by the employer are **not** income until actually paid, and should not be entered in Bridges until anticipated or received.

VERIFICATION REQUIREMENTS

All TOA

Use electronic methods (for example The Work Number) available to the department to verify income. When electronic verification is not available or inconsistent with client statement, the client has primary responsibility for obtaining verification. Do not deny or terminate assistance because an employer or other source refuses to verify income.

SPECIFIC VERIFICATION SOURCES

Wages, Salaries, and Commissions

All TOA

- Check stubs or earnings statement.
- DHS verification of employment forms, for example DHS-38, Verification of Employment.
- Employer signed statement providing all necessary information.
- Employer generated work schedule, when pay frequency, pay day and rate of pay are known. When this source is used, select **other acceptable** as the verification source.
- The Work Number.
- Employment services contractors including Michigan Works! Agency (MWA), Jobs, Education and training (JET) provider and refugee employment services contractors.
- Starting or increasing income. Select this verification source when an individual reports starting or increasing income, other than at application or redetermination.

In this case ██████ testified that he worked picking cherries and loading celery during the early part of July 2010 and worked picking peppers during the last two weeks of July 2010. ██████ was specifically asked what if any effort he made to obtain statements from the employers. ██████ did not directly answer the question but stated it was all pick up work and he did not have any specific relationship with the employers.

The specific facts in this case show that the Department's action was in accordance with their policies.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed Claimant's Food Assistance Program (FAP) case for failure to provide required verifications.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHeld.

/s/_____

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 12, 2010

Date Mailed: October 12, 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.

GFH/vc

cc:

