

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: 2010-14196
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 3, 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 February 3, 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's daughter became employed, and a new hire notice was sent to the Department in October, 2009.
- (3) Claimant was sent a DHS-3503, Verification Checklist, with instructions to return a new hire report by November 2, 2009.

- (4) Claimant received this form and was told by the employer that the employer would fax it to the Department.
- (5) The Department did not receive the report.
- (6) On November 6, 2009, claimant was sent a negative action notice that pended the case for closure for failure to return verifications.
- (7) The case was pended for closure on November 16, 2009.
- (8) Claimant made no effort to contact the Department to question the closure until November 30, 2009.
- (9) Claimant's case closed on November 16, 2009.
- (10) On November 30, 2009, 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.

With regard to the claimant's FAP case, the undersigned notes that the Department did send verification requests to the claimant, and that the claimant did not return the verifications. Furthermore, at no time did the claimant contact the Department to request an extension in order to preserve her FAP case.

Claimant was given a DHS-3503 that informed her to return verifications of her daughter's job. Claimant did not return this information to the Department herself, but instead, relied upon the employer to fax the information. The employer did not do so.

While this was certainly a mistake by the employer, the fault must also lie with the claimant for failing to follow up on needed verifications. The ultimate responsibility to return the verifications was the claimant's, and the claimant did not do so. Furthermore, claimant was given adequate notice that there was a problem; on November 6, 2009, claimant was notified that her case would close as of November 16, 2009. However, claimant at no time took any steps to remedy the error, including requesting an extension. The first time claimant contacted the Department, according to the claimant's testimony, was on November 30, 2009, 2 weeks after her case had closed.

While an extension could have been granted, the claimant never requested an extension. The Department only knew that they had requested verifications, and claimant had failed to return them. Therefore, no extension was required.

Claimant had opportunity to return the verifications, and did not do so; nor did she follow up on her own case. Therefore, the Department was unable to determine eligibility based upon the claimant's own actions. The Department was correct in closing claimant's case.

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: 04/27/10

Date Mailed: 04/27/10

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:

