

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: 201016159
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 8, 2010
Macomb 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 March 8, 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 Macomb County.
- (2) Claimant was sent a redetermination form on November 16, 2009.
- (3) Claimant returned the redetermination form and attended a telephone interview.
- (4) Claimant did not report her daughter's job loss on this redetermination form.
- (5) Claimant's daughter had recently lost a job.

- (6) Claimant did not return verification of this job loss until January 6, 2010.
- (7) Because claimant did not return verifications of the job loss, claimant's case closed on December 31, 2009, the date the certification period ended for her FAP case.
- (8) On January 7, 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. A change in income that could increase benefits must be verified. BEM 500. 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 while the claimant did attend her required interviews, and did return her redetermination form, claimant admitted that she did not return a verification of her daughter's job loss until January 6, 2010.

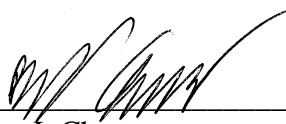
Claimant's FAP certification was due to close on December 31, 2009. Claimant initially did not report her daughter's employment; claimant's daughter subsequently lost her job, which required verification. Claimant was aware that she needed to provide verification, and the verification was of a type that was necessary.

While claimant did eventually return the verification, this verification was not returned at the time the Department made the decision. The Administrative Law Judge can only decide whether the Department's actions were correct at the time the actions were taken using the information that the Department had on hand at the time. The Department knew that there was a job loss, but that job loss had not been verified, despite the fact that claimant knew that the verification was required. Therefore, the Department was correct in closing the 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 deny 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: 05/25/10

Date Mailed: 05/26/10

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:

