

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: 201018094
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 15, 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 15, 2010.

ISSUE

Was the claimant's FAP budget properly reduced for failing to provide shelter 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 moved and was requested to turn in shelter verifications.
- (3) Claimant returned the shelter verifications.
- (4) The Department never received the shelter verifications.

- (5) Claimant's FAP allotment was subsequently lowered when their shelter expense was removed from the FAP budget.
- (6) On September 28, 2009, claimant was notified that his FAP allotment had been reduced for failing to provide shelter verifications.
- (7) Claimant attempted to contact the Department to inform them that he had returned the required verifications.
- (8) The Department did not return the claimant's phone call.
- (9) On December 3, 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).

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. BAM 130. Verifications are due ten days after the initial request; however, this time limit may be extended at least once upon request. BAM 130. An application is considered incomplete until all required information is submitted. BAM 130.

In the current case, the Department contends that claimant did not return any of his shelter verifications, as required by the regulations. This resulted in claimant's shelter expense being removed from his FAP budget, which resulted in a lower FAP amount.

Claimant contends that he did return the verifications.

The caseworker who took the action did not appear at the hearing, and as such, no rebuttal was offered to the claimant's testimony. Furthermore, there are notes in the case file that a shelter verification form was returned.

The undersigned finds the claimant credible as to his testimony that he returned the required verifications. As such, the claimant's FAP budget was calculated incorrectly when it did not include the required shelter verifications.

Finally, claimant alleged that his income was incorrect; claimant's income was calculated using an SSI amount that was reduced because of an SSI overpayment. While there is no evidence in the case file currently of this overpayment, the claimant should be given a chance to return such verifications when the shelter verifications are re-requested in order to add them to the case file. If these income verifications are not returned, the Department will have no duty to adjust claimant's income levels.

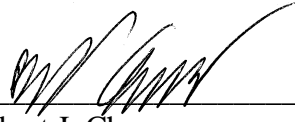
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department failed to calculate claimant's FAP budget correctly.

Accordingly, the Department's decision in the above stated matter is, hereby,
REVERSED.

The Department is **ORDERED** to request the verifications necessary to determine FAP eligibility again, including income and shelter verifications. Claimant is **ORDERED** to return

said verifications in a timely manner, consistent with the policy found in BAM 130. Upon receipt of the verifications in a timely manner, claimant's budget shall be recalculated retroactively to the date of the negative action.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 06/23/10

Date Mailed: 06/24/10

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:

