

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: 2010-18213

Issue No: 3008

Case No:

Load No:

Hearing Date:

April 13, 2010

Kent County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 telephone hearing was conducted from Lansing, Michigan on April 13, 2010.

ISSUE

Whether the Department properly denied Claimant's Food Assistance Program (FAP) application based upon her failure to provide requested verification(s)?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On September 8, 2009, Claimant applied for FAP benefits.
2. On September 28, 2009, the Department sent Claimant a Verification Checklist, DHS-3503, and a Verification of Employment, DHS-38, with a due date of October 8, 2009. (Exhibits 2, 3)

3. On October 8, 2009, Claimant sent an email to her eligibility specialist requesting an indefinite extension to send in all the requested proofs which was granted by the Department. (Exhibit 9)

4. On November 17, 2009, the Department sent Claimant a Notice of Case Action (NOCA) informing Claimant that her FAP application had been denied for failure to provide requested verifications. (Exhibit 8)

5. On December 1, 2009, Claimant sent an email to her eligibility specialist stating that she just received the November 17th NOCA denying her FAP application and that she had faxed all of her information to her 2-3 weeks earlier. (Exhibit 9)

6. On December 18, 2009, the Department received Claimant's hearing request protesting the denial of her application for FAP benefits.

7. At hearing, Claimant testified that she mailed all her information to the eligibility specialist on or about November 3, 2009.

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. Departmental policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Bridges Reference Manual (BRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105, p. 5 Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130, p.1 Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as local office option or information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. BAM 130, p.1 The Department uses documents, collateral contacts or home calls to verify information. BAM 130, p.1 A collateral contact is a direct contact with a person, organization or agency to verify information from the client. BAM 130, p. 2 When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130, p. 2

Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the verifications requested by the Department. BAM 130, p. 4 If the client cannot provide the verification despite a reasonable effort, the time limit should be extended at least once. BAM 130, p. 4 Verifications are considered timely if received by the date they are due. BAM 130, p. 4 A negative action notice should be sent when the client indicates a refusal to provide the verification or the time period provided has lapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 4 For MA only, the Department should extend the time limit up to three times and the negative action notice should be sent when the client indicates a refusal to provide the verification or the time period given has elapsed. BAM 130, p. 5

In the instant case, Claimant requested an indefinite extension to supply all the requested proofs. There is no question that the Department approved it. The issue is

whether Claimant ever sent it to the Department, not whether it was timely according to the due date or the indefinite extension. The Department's position is that they never received anything. Claimant's position in her email to the Department was that she faxed it and, at hearing, her position was that she mailed it. I cannot find that Claimant sent the requested documentation to the Department under these circumstances.

With the above said, based on the testimony and documentation offered at hearing, I find that the Department established that it acted in accordance with policy in denying Claimant's application for FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with policy in denying Claimant's application for FAP benefits.

Accordingly, the Department's FAP eligibility determination is AFFIRMED, it is SO ORDERED.

/s/ _____
Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 19, 2010

Date Mailed: April 20, 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.

SB/lk

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