

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.: 2010-31006
Issue No.: 3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
May 17, 2010
SSPC East (98)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on May 17, 2010. Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, and [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's 9/18/09 Assistance Application requesting Food Assistance Program (FAP) benefits for failure to verify income.

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 applied for FAP benefits on 9/18/09.
2. On 12/2/09, DHS mailed Claimant a Verification Checklist (DHS-3503) requesting the "last 30 days of income" for Claimant's spouse's employment.

3. The due date for the 12/2/09 DHS-3503 was 12/14/09.
4. On approximately 12/14/09, Claimant contacted DHS to verify that income verifications she submitted for 11/2009 were acceptable.
5. As part of the 12/14/09 conversation, DHS advised Claimant that 11/2009 income verifications were not acceptable; Claimant requested more time to submit needed verifications.
6. DHS mailed Claimant a second DHS-3503 on 12/16/09 requesting the “last 30 days” of income verification; the due date was 12/18/09.
7. Claimant’s application for FAP benefits was denied on 12/22/09 due to Claimant’s failure to submit income verifications for 9/2009.
8. Claimant submitted a hearing request on 1/11/10 regarding the denial of FAP benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (formerly known as the Food Stamp 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 (formerly known as the Family Independence Agency) 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 Reference Tables Manual (RFT).

The processing of applications begins with the filing of a DHS-1171 or other acceptable form. BAM 110. If verifications are needed to process the application, DHS is to request them in writing. BAM 130. DHS is to give clients at least ten days to submit verifications. *Id.* If the client cannot provide the verification despite a reasonable effort, DHS specialist are directed to

extend the time limit at least once. *Id.* After the date passes for submission of verifications, DHS is to process the request for benefits by either activating the case or denying the request. BAM 220.

DHS contends that Claimant failed to verify her spouse's income from 9/2009 which resulted in denial of Claimant's 9/18/09 request for FAP benefits. The DHS contention is technically true, however, DHS failed to follow multiple policies which primarily contributed to Claimant's failure.

DHS never requested verification of Claimant's spouse's 9/2009 income in writing. Though multiple requests were made, the requests were for the "last 30 days" of income verification. Based on the 12/2/2009 request date, Claimant's submission of 11/2009 income verifications is perfectly responsive to what DHS requested.

DHS responds that Claimant was verbally told during conversations with her DHS caseworker to submit 9/2009 income verifications. The undersigned tends to believe that DHS had such a conversation with Claimant; however, if a client is told to submit income verifications from 9/2009 and then subsequently mailed a request for income verification in 12/2009 for the "last 30 days", the client should not be faulted for complying with the written request. DHS could have specifically requested in writing that 9/2009 income verifications were needed. DHS did not make such efforts. Also, BAM 130 requires DHS requests for verification to be made in writing, not verbally. It is found that DHS failed to clearly specifically request income verifications from Claimant.

The standard of promptness for DHS to completely process FAP applications is 30 days. BAM 115 at 12. In the present case, DHS waited over 60 days before beginning the processing of Claimant's application. It is a given that the massive DHS workload makes it impossible for

DHS staff to meet processing deadlines, however, the delay by DHS was a factor in Claimant's confusion as to which verifications should be submitted.

Claimant also requested an extension on the due date to submit the income verifications. DHS mailed Claimant a 12/16/09 DHS-3503 giving Claimant two days to submit the income verification. BAM 130 directs DHS staff to extend the 10 day period at least once if a client is unable to meet the original deadline despite a reasonable effort. DHS extended the deadline but only for two days. It is found that DHS failed to provide Claimant a sufficient extension of her due date.

DECISION AND ORDER

The actions taken by DHS are REVERSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's 9/18/09 request for FAP benefits. DHS is ordered to reinstate Claimant's 9/18/09 FAP request and if income verifications are still lacking, then to request the specific information needed via DHS-3503 in accordance with DHS policy.



Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 6/3/2010

Date Mailed: 6/3/2010

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.

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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.

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