

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.: 2010-32320
Issue No.: 3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
May 20, 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 20, 2010. Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Manager, and [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's 1/27/10 request for Food Assistance Program (FAP) benefits due to Claimant's 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 1/27/10.
2. DHS mailed Claimant a Verification Checklist (DHS-3503) on 3/8/10.

3. DHS gave Claimant a due date of 3/18/10 to return the verifications requested on the DHS-3503.
4. Claimant failed to verify the income.
5. DHS denied Claimant's request for FAP benefits on 3/19/10.
6. Claimant submitted a hearing request on 4/8/10 regarding 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 an Assistance Application (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.* Verification of income is required to process requests for FAP benefits. BEM 500. Failure to verify income at application results in denial of the FAP request. *Id.*

In the present case, DHS requested Claimant's income verification via a Verification Checklist dated 3/8/10. Exhibit 2. Claimant was given until 3/18/10 to verify her income. Claimant testified that she returned some documents but not the income verifications. Claimant's failure to verify her income is an appropriate basis to deny Claimant's application for FAP

benefits. It is found that DHS properly denied Claimant's 1/27/10 request for FAP benefits. As discussed during the hearing, Claimant is able to reapply for benefits at any time

DECISION AND ORDER

The actions taken by DHS are AFFIRMED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's 1/27/10 request for FAP benefits.

Christian Gardocki

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

Date Signed: 6/7/2010

Date Mailed: 6/7/2010

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.

CG/jlg

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