

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.: 2010-33837
Issue No.: 3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
June 3, 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 June 3, 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 1/5/10 request for Food Assistance Program benefits due to a failure to verify unemployment compensation 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 Food Assistance Program (FAP) benefits on 1/5/10.

2. As part of Claimant's Assistance Application (DHS-1171) Claimant reported that he received unemployment income from Colorado.
3. DHS has access to unemployment information from Michigan, not Colorado.
4. DHS mailed Claimant a Verification Checklist (Exhibit 2) on 3/3/10 requesting verification of Claimant's unemployment income.
5. The DHS-3503 gave Claimant until 3/15/10 to verify the unemployment income.
6. DHS denied Claimant's FAP benefit application on 3/18/10 due to Claimant's failure to verify the unemployment income.
7. Claimant submitted a hearing request on 3/26/10 regarding denial of his 1/5/10 application for 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).

A request for program benefits begins with the filing of an Assistance Application or other acceptable form. BAM 110. If verifications are needed to process the application, DHS is to request them in writing. BAM 130. DHS must give clients at least ten days to submit verifications. *Id.* After the date passes for submission of verifications, DHS is to process the program request for benefits by either evaluating a client's eligibility or denying the request for failure to verify necessary information. BAM 220.

Claimant acknowledged receiving the Verification Checklist (Exhibit 2) but stated he was not aware that he needed to verify his unemployment income. The request for income was not ideal but was adequate. DHS requested verifications of Claimant's identity and utility obligations in the section traditionally used to request documents. However, DHS wrote, "Please send proof of all income received in the months of January and February" in a comments section of the checklist; DHS also requested additional information about "unearned income unknown" at the end of the checklist. The DHS request is found to be adequate to have put Claimant on notice that he needed to verify his unemployment income.

Claimant's hearing request indicated attempts to contact his specialist prior to the due date of the Verification Checklist. Claimant was not able to support this argument with testimony at the hearing. It is found that DHS gave Claimant proper notice of a request for income and that Claimant's failure to comply with the request resulted in appropriate denial of Claimant's 1/5/10 request for FAP benefits. As discussed during the hearing, Claimant may reapply for FAP 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 1/5/10 Assistance Application for FAP benefits.

Christian Gardocki

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

Date Signed: 06/11/2010

Date Mailed: 06/11/2010

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/cjp

cc:

