

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: 201035082
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 10, 2010
SSPC-East

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 held on June 10, 2010. The Claimant appeared on her own behalf. Robin Grimes, Assistant Payment Supervisor and Falon Meyers, ES appeared on behalf of the Department.

ISSUE

Was the claimant's FAP application properly placed into closure for a failure to return verification of loss of employment?

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 May 5, 2010.
- (2) Claimant was sent a DHS-3503, Verification Checklist, on March 26, 2010, a holiday weekend, which requested verification of mortgage, home insurance,

property taxes, verification of employment of spouse, and loss of employment by the Claimant. Exhibit 1

- (3) The Verification was due to be returned by April 5, 2010.
- (4) On April 12, 2010, the Claimant provided all of the above information, except, she could not obtain her loss of employment information by the due date. The Claimant asked for an extension, which was granted until April 15, 2010. Exhibit 2
- (5) The Claimant provided a letter to the Department dated April 6, 2010 explaining why she was unable to obtain the loss of employment information. The Claimant's efforts included four phone calls to the owner of the former employer. She also provided the employer's phone numbers to the Department for them to call to seek the necessary verification. The Claimant also attempted to obtain the information online but her password no longer worked so she could not gain access to the information. Exhibit 3
- (6) A subsequent Department caseworker was able to reach the employer and obtain the information on April 22, 2010. Exhibit 4
- (7) Claimant had no check stubs.
- (8) The Department ruled that this verification was incomplete.
- (9) The Claimant reapplied for FAP benefits and was granted benefits as of April 22, 2010.
- (10) Claimant was notified on April 5, 2010, that her FAP application was denied for failing to verify her proof of income and loss of employment. The application was denied on April 22, 2010.

- (11) On April 22, 2010, claimant requested a hearing contesting the denial of her application for failure to verify employment Exhibit 4

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).

An application or redetermination is considered incomplete until it contains enough information to determine eligibility. BAM 115. 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. An application that remains incomplete may be denied. BAM 130. If the claimant cannot provide verification despite a reasonable effort, the time limit is to be extended at least one time. BAM 130. Income amounts can be verified through pay check stubs, a DHS-38, Verification of Employment, or through electronic methods. BEM 501.

With regard to the claimant's FAP case, the undersigned notes that the Department did send verification requests to the claimant and that the claimant did return all of the requested information and provided a letter explaining her efforts to obtain the loss of employment information and the reasons she was unsuccessful. The Department was able to reach the

employer in the Claimant's presence during an interview on April 22, 2010 and the issue was resolved. The Department did not offer any information why its initial efforts to assist the Claimant were unsuccessful other than the Department could not reach the employer. The Department also did not elaborate the extent of its efforts.

Policy permits several different types of verification, because policy recognizes that not every client will be able to meet the verification requirements in the exact same way. Whereas an employer is unavailable, the Department should not terminate assistance. BEM501 page 6. It also does not appear that the Department used electronic methods to attempt to assist the Claimant. BEM 501.

In the current case, claimant testified quite credibly that she did not have all her pay check stubs and did not demonstrate non compliance with the verification request, but rather demonstrated reasonable and good faith efforts to comply. In these circumstances, the Department is required, not only to assist the client, but when neither the Department or the client can obtain the information, despite reasonable effort, the best information available must be used and the Department representative is required to use their best judgment. BAM 130 page 3.

Unfortunately, claimant's caseworker was not able to reach the employer but a subsequent caseworker did reach the employer. Under these circumstances, the best judgment was not utilized initially, and the case was closed prematurely rather than pending the case and further investigating. BAM 130 states that if the claimant cannot provide verification despite a reasonable effort, extend the time limit at least one time. Claimant had sent in all that she had—quite clearly a reasonable effort at providing verification. However, the Department, instead of

further extending the time limit and requesting alternate verification, instead denied the application. This is prohibited by BAM 130.

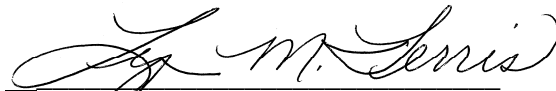
When a claimant has made a reasonable attempt at providing verifications, the Department may not simply state that the verifications were inadequate and deny the application. It does not appear that any real exercise of best judgment was made, rather the Department simply denied the application, and as such, the FAP application denial was incorrect.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to deny claimant's FAP application was incorrect.

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

The Department is ORDERED to reinstate the Claimant's FAP application of May 5, 2010 and issue a supplement to the Claimant's FAP benefits retroactive to the date of application, May 5, 2010.



Lynn M. Ferris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 06/22/10

Date Mailed: 06/23/10

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.

2010-35082/LMF

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.

LMF/dj

cc:

