

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: 2010-37803
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 29, 2010
Allegan County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on May 25, 2010. After due notice, a telephone hearing was held on Tuesday, June 29, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) eligibility?

FINDINGS OF FACT

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

- (1) The Claimant applied for FAP benefits on April 20, 2010.
- (2) On April 26, 2010, the Department sent the Claimant a Verification Checklist with a due date of May 6, 2010. Department Exhibit 2.

(3) On May 3, 2010, the Department received documents from the Claimant, which it considered insufficient verification of her income. Department Exhibit 8 – 13.

(4) On May 12, 2010, the Department notified the Claimant that it had denied her application for FAP benefits for failing to provide verification of income. Department Exhibit 4 – 5.

(5) On May 12, 2010, the Department sent the Claimant a Verification Checklist with a due date of May 24, 2010.

(6) The Department received the Claimant's request for a hearing on May 25, 2010, protesting the denial of her FAP application.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (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 (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), Reference Table Manual (RFT), 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 a 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.

Clients are allowed ten calendar days to provide the verifications requested by the Department. BAM 130, p. 4. The Department should send a negative action notice 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. The Department should extend the time limit no more than once if the client cannot provide the verification despite a reasonable effort. BAM 130, p. 4.

The Claimant applied for FAP benefits on April 20, 2010. On April 26, 2010, the Department sent the Claimant a Verification Checklist with a due date of May 6, 2010. The Claimant submitted documents to the Department that she intended to verify her income, and the Department received them on May 3, 2010. The Department considered the documents the Claimant submitted to be insufficient verification of her income because they do not clearly identify the Claimant's name, or whether they are a listing of hours worked or dollars earned. The Department gave the Claimant a 10-day extension to clarify her income, but denied her FAP application when it did not receive additional verification of income.

The Claimant argued that the nature of her employment makes it difficult to provide verification of income. The Claimant testified that her employer pays her a commission based on the services she provides to her employer's customers. The documents the Department received are copies of the documents that the Claimant's employer uses to determine the Claimant's earnings.

The manner in which the Claimant's employer documents its business activity is not relevant to the Claimant's eligibility for FAP benefits, but this does not relieve the Claimant of her duty to verify her income. The Department testified that it provided the Claimant an income verification form that her employer could have completed as an alternative method of providing verification of her income. The Department shall not deny FAP benefits based solely on an employer's refusal to verify income. BEM 500. There was no evidence that the Claimant returned this form to the Department.

It was the duty of the Claimant to verify her income so the Department could properly evaluate her eligibility for FAP benefits. The Department understood the difficulties the Claimant faced, and extended the deadline to provide verification of income by ten days. During this extension, the Claimant failed to clarify the documents she had previously submitted, or ensure that her employer completed the income verification form the Department supplied her.

The Department has established that it acted in accordance with policy when it determined the Claimant's eligibility for FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's FAP eligibility.

The Department's FAP eligibility determination is AFFIRMED. It is SO ORDERED.

/s/

Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 6, 2010

Date Mailed: July 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.

KS/vc

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