

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201048254
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 15, 2010
St. Joseph 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 August 9, 2010. After due notice, a telephone hearing was held on Wednesday, September 15, 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 May 24, 2010.
2. The Department approved the Claimant for FAP benefits as an expedited case effective June 1, 2010.
3. On May 7, 2010, the Department sent the Claimant a Verification of Employment form with a due date of May 17, 2010. The Claimant's employer confirmed that she was an employee but that the Department would have to verify her income through WorkNumber. Department Exhibits 9 – 11.

4. The Department was unable to verify the Claimant's income at her new job through [REDACTED]. Department Exhibit 12.
5. On May 26, 2010, the Department sent the Claimant a Verification Checklist with a due date of June 7, 2010, which requested that the Claimant verify that her previous employment had ended. Department Exhibit 5.
6. On July 1, 2010, the Department sent the Claimant a Verification Checklist with a due date of July 12, 2010, which requested that the Claimant verify her current income. Department Exhibit 7.
7. On August 4, 2010, the Department notified the Claimant that it would terminate her FAP benefits effective September 1, 2010, for failure to verify or allow the Department to verify necessary information. Department Exhibits 14 – 15.

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 May 24, 2010, and the Department approved her for FAP benefits effective June 1, 2010, as an expedited FAP case. On May 7, 2010, the Department sent the Claimant a Verification of Employment form with a due date of May 17, 2010. This form was returned by the Claimant's employer on June 17, 2010, and notified the Department that it could verify the Claimant's income through [REDACTED]. The Department was unable to verify the Claimant's income at her new job through [REDACTED]. On May 26, 2010, the Department sent the Claimant a Verification Checklist with a due date of June 7, 2010, which requested that the Claimant verify that her previous employment had ended. On July 1, 2010, the Department sent the Claimant a Verification Checklist with a due date of July 12, 2010, which requested that the Claimant verify her current income. On August 4, 2010, the Department notified the Claimant that it would terminate her FAP benefits effective September 1, 2010, for failure to verify or allow the Department to verify necessary information.

The Department attempted to verify the Claimant current income from her application for assistance, an interview with the Claimant, by sending the Claimant a verification checklist, and by sending the Claimant a Verification of Employment form to have her employer complete. The Department was unable to determine the Claimant's income from her application or from her interview because the Claimant was unable to specify the number of hours she would be working on her new job. The Department was unable to verify the Claimant's income electronically through [REDACTED] due to consumer privacy restrictions. The Department attempted to verify the Claimant's income by making a collateral contact to her new employer. The Department was unable to verify the Claimant's income from paycheck stubs because the Claimant did not submit any.

The Claimant argued that her caseworker should have been able to verify her income, and that she knows other people under similar circumstances where their caseworkers were able to verify their income. The Claimant argued that her caseworker did not try hard enough to verify her income. The Claimant testified that she was not informed that she could use paycheck stubs to verify her income.

The Claimant had the responsibility to verify her income to allow the Department to determine her eligibility for FAP benefits, and she had no apparent obstacles preventing her from obtaining the verification. The Claimant did not request help from the Department to obtain income verification. Although the Department went beyond its normal obligations to obtain verification documents, this did not relieve the Claimant of her duty to establish eligibility for benefits and the Claimant did not make a reasonable effort to the verification documents.

The Claimant applied for FAP benefits on May 24, 2010, and received three months of FAP benefits without providing the Department with verification of her income. The Department has established that it acted in accordance with policy when it terminated the Claimant's 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: September 23, 2010

Date Mailed: September 24, 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

cc:

