

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 201050908
Issue No. 3008
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: September 22, 2010
Office: SSPC East

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 held on September 22, 2010. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], appeared and testified.

ISSUE

Whether Claimant failed to receive a properly addressed Verification Checklist in response to a proper mailing by DHS

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 5/17/10.
2. In Claimant's application for FAP, Claimant asserted that his employment hours with Home Depot were recently reduced.
3. DHS mailed a Verification Checklist (DHS-3503) (Exhibit 1) on 5/27/10 requesting proof of Claimant's reduction in employment hours.
4. The DHS-3503 gave Claimant until 6/7/10 to verify his reduced employment hours.

5. Claimant failed to return proof of his reduction in employment hours.
6. On 6/14/10, DHS denied Claimant's application for FAP benefits due to Claimant's failure to verify his reduced employment hours.
7. Claimant requested a hearing on 7/19/10 disputing the denial of his FAP benefit application.

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 a 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 must give clients at least ten days to submit verifications. *Id.* After the date passes for submission of verifications, DHS may send a negative action notice if the time period given has elapsed and the client has not made a reasonable effort to provide the information. BAM 130 at 5.

In the present case, DHS requested verification of Claimant's employment income. Countable income must be verified at application BEM 500 at 9. Employment income is countable income. BEM 501 at 5. It is found that DHS appropriately requested verification of Claimant's employment income.

There was some question as to whether DHS needed to request the verification because DHS has a system, referred to as the Worknumber, which can access employment information from participating employers. Claimant's employer, [REDACTED], was a participating employer with the Worknumber. However, though DHS could have accessed Claimant's pay history, Worknumber can not verify changes in employment which are not reflected in the pay history. Claimant stated when he applied, his employer had just reduced his employment hours. Claimant had not yet received a pay reflecting the reduced hours. Thus, the Worknumber could not have verified the employment reduction. DHS appropriately sought the verification of reduced employment from Claimant.

The proper mailing and addressing of a letter creates a presumption of receipt. That presumption may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638

(1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976). In the present case, DHS submitted the Verification Checklist (Exhibit 1) that was mailed by Bridges, the DHS database and mailing system. The document correctly stated Claimant's proper mailing address. No evidence was provided that would bring into doubt whether DHS properly mailed a Verification Checklist. It is presumed that the Verification Checklist was received by Claimant.

Claimant attempted to rebut the presumption of receipt by his testimony. Claimant stated that he did not receive the Verification Checklist and that he had various problems receiving mail at his address. The undersigned is not inclined to find that Claimant did not receive the properly mailed verification request.

Though Claimant's testimony was not contradictory, it was unsupported and unsubstantiated. Claimant was not able to submit any information documenting his complaints to the United States Post Office. Claimant never changed his mailing address to a more reliable mailing address. Claimant simply denied receiving the Verification Checklist. Claimant's denial of receiving the Verification Checklist is found to be insufficient to rebut the presumption that Claimant received it. It is found that Claimant received the Verification Checklist requesting employment information.

DHS awaited the ten days required by their regulations before denying Claimant's application for FAP benefits. It is found that DHS properly denied Claimant's application for FAP benefits due to Claimant's failure to verify his income.

Claimant indicated that he has not yet reapplied for FAP benefits. It should be noted that a client may apply for benefits at any time. As stated during the hearing, Claimant is strongly encouraged to immediately reapply for FAP or any other benefits that he needs.

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 application dated 5/7/10 for FAP benefits due to Claimant's failure to verify his reduction in income.

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

201050908/CG

Date Signed: _____

Date Mailed: _____

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/hw

cc:

