

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: 2010-733
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 29, 2009
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 hearing was held on October 29, 2009. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) case for failure to provide required verifications?

FINDINGS OF FACT

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

- (1) On August 5, 2009, Claimant applied for Food Assistance Program (FAP) benefits.
- (2) On August 27, 2009, a telephone interview was conducted and Claimant was approved for expedited Food Assistance Program (FAP) benefits for two months.

- (3) On August 27, 2009, Claimant was sent a Verification Checklist (DHS Form 3503) which listed several verifications the Department required to continue Food Assistance Program (FAP) benefits beyond September. The verifications were due back to the Department by September 8, 2009.
- (4) On September 16, 2009, the Department had not received the requested verifications and Claimant's Food Assistance Program (FAP) case was pended to close at the end of the two month benefit period. Claimant was sent a Notice of Case Action (DHS-1605).
- (5) On September 23, 2009, Claimant submitted a request for hearing.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

BAM 117 FAP EXPEDITED SERVICE

DEPARTMENT POLICY

The policy in this item applies to FAP only. The purpose of FAP expedited service is to help the neediest clients quickly. Certain processing requirements and actions (identified in this item) are deferred due to the shortened standard of promptness.

DEFINITIONS

Expedited Service Expedited Service

has a shorter standard of promptness and fewer verification requirements to determine FAP eligibility than are normally required.

Liquid Assets Liquid Assets include:

- Cash on hand.
- Checking or savings accounts.
- Savings certificates.

EXPEDITED SERVICE CRITERIA

Eligibility factors are the same for expedited as regular FAP benefits.

Applicant groups are entitled to expedited service if one of the following applies:

- They have less than \$150 in monthly gross income and \$100 or less in liquid assets.
- They are destitute migrant or seasonal farm workers and have \$100 or less in liquid assets (refer to BEM 610).
- The group's combined gross income and liquid assets are less than its monthly rent and/or mortgage payments plus the Heat and Utility Standard, or Non-Heat Electric, Water and/or Sewer, Telephone, Cooking Fuel or Trash Removal standards.

FAP groups entitled to expedited service are required to do **all** of the following:

- Complete and submit a DHS-1171, Assistance Application.
- Participate in an interview (i.e., in-person, telephone or home call).
- Cooperate with certain verification requirements. See **“MINIMUM VERIFICATION”** in this item.

MINIMUM VERIFICATION

In all cases, the applicant's **identity must** be verified (see BEM 221).

Reasonable effort must be made to verify:

- Residency.

- Income or lack of income.
- Assets, and
- All other eligibility factors.

Note: FAP benefits **cannot** be delayed beyond the expedited standard of promptness solely because these eligibility factors (other than **identity**) have **not** been verified.

SUBSEQUENT BENEFITS

Food Assistance groups that did **not** provide all required verifications will **not** be issued benefits for subsequent months until the FAP group provides the waived verification **or** completes a redetermination.

Groups that apply after the 15th of the month receive a minimum benefit period of two months (month of application and following month).

You must meet one of the following standards of promptness based on when verification requirements are met. If they are met:

- Before the end of the application month, issue the second month's benefits on the first working day of the second month.
- In the second month, issue the second month's benefits within five work days.

If waived verifications/actions are **not** met by the 10th day following the request (or by the extended date, if granted), allow the benefit period to expire at the end of the expedited month(s).

In this case, it is undisputed that the Department did not receive the required verifications. Claimant asserts she never got the Verification Checklist (DHS Form 3503) requesting the verifications. This is not a case of re-determining eligibility for benefits. Due to the exigency Claimant asserted, she was issued Food Assistance Program (FAP) benefits without first verifying her identity or any of the other required verifications. Regardless of whether Claimant received the Verification Checklist (DHS Form 3503), the law and Department policy do not allow for issuing Food Assistance Program (FAP) benefits to a person whose identity has never been verified.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed Claimant's Food Assistance Program (FAP) case for failure to provide required verifications.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 12, 2009

Date Mailed: November 24, 2009

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.

GFH 

cc:

