

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: 20107592

Issue No: 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

January 20, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 January 20, 2010.

ISSUE

Was the claimant's FAP application properly denied for failure to provide proper 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) Claimant applied for the FAP program in Wayne County on September 3, 2009.
- (2) Claimant was told that she was to verify the citizenship of herself and her children in order to receive FAP benefits.
- (3) Claimant did not return the citizenship verifications.

- (4) Claimant's FAP application of September 3, 2009 was subsequently denied.
- (5) On November 10, 2009, claimant requested a hearing alleging that the verifications used to justify the denial had never been requested.

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).

A DHS-1171, Assistance Application must be completed when eligibility is determined. BAM 210. An application 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.

For the purposes of the FAP program, verification is not required from a person claiming U.S. citizenship unless the client's statements are questionable. BEM 225.

With regard to the FAP denial in the present case, the Department may only request proof of citizenship if the claimant's statement of citizenship was questionable. The evidence of record shows that claimant's FAP application of September 3, 2009 was denied because claimant

failed to return verifications of citizenship. The Department testified at hearing that they were of the belief that claimant was an American citizen, and did not claim that she was not. Therefore, proof of citizenship was not required, and the Department's decision to deny claimant's FAP application for failure to provide verification of citizenship was improper.

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 assistance application was incorrect.

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

The Department is ORDERED to process claimant's FAP application retroactive to the filing date of September 3, 2009. As claimant has already provided all necessary verifications, the Department is FURTHER ORDERED to supplement claimant any missed benefits, retroactive to the date of application, in accordance with policy found in the Bridges Administrative and Eligibility Manuals, should eligibility be established.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 03/19/10

Date Mailed: 03/26/10

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

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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.

RJC/dj

cc:

[REDACTED]