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



Reg. No. Issue No. Case No. Hearing Date: 201117248 3008

March 7, 2011 SSPC East (97)

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 c laimant's request for a hearing. After due notice, a telephone hearing was held on Marc h 7, 2011. The claimant appeared and testified. On behalf of Department of H uman Services (DHS), and appeared and testified.

## <u>ISSUE</u>

Whether DHS properly terminated Claimant's Food Assistance Program (FAP) benefits due to Claimant's failure to timely return income verifications.

## FINDINGS OF FACT

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

- 1. On 10/22/10, Claimant applied for FAP benefits.
- 2. On 11/6/10, DHS mailed a Verification Checklist (Exhib it 1) to Claimant requesting verification of Claimant's income and shelter expenses.
- 3. The due date for Claimant to return the verifications was 11/16/10.
- 4. Claimant did not return either requested verification to DHS.
- 5. On 11/19/10, DHS mailed a Notice of Case Action (E xhibit 2) to Claimant denying Claimant's FAP benefits due to a failure to verify income.

6. On 12/7/10, Claimant r equested a hearing disputing the termination of FAP benefits.

#### CONCLUSIONS OF LAW

The Food Assistanc e Program (formerly known as the Food Stamp Program) is established by the Food Stam p Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of F ederal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the FAP program pursuant to Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001- 3015. DHS regulat ions are found in the Bridges Administrative Manual (BAM), the Bridges Eligibilit y Manual (BEM) and the Reference Tables Manual (RFT). Updates to DHS regulations are found in the Bridges Policy Bulletin (BPB).

A request for program benefits begins with the filing of a DHS-1171 or other acceptable form. BAM 110 at 1. Before pr ocessing an application for FAP benefits, DHS may require a client to verify information wit hin their applic ation. Veri fication is usually required at application. BAM 130 at 1. 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 reque sted verification of Claimant's employment income (and shelter expenses). Countable inc ome must be verified at applicat ion for F AP benefits. BEM 500 at 9. Employment inco me is countable income. BEM 501 at 5. It is found that DHS appropriately requested and requir ed verifica tion of Claimant's employment income.

Claimant stated that s he was holding off on re turning the income verification until she was able to obtain a document verifying her shelter obligation. Claimant further stated that she had difficulty in ob taining the shelter verificati on which c aused a delay in her return of the income verification. Claim ant's argument does not affect whether DHS properly denied Claimant 's FAP benefits. DHS establish ed that they followed proper procedures in requesting verifications by the 11/16/10 due date or the 11/19/10 denial date. It is found that DHS properly denied Claimant's failure to timely verify income.

As stated during the hearing, Claimant can always reapply for FAP benefits; Claimant was previously unaware of this right. Claimant is encouraged to reapply for FAP benefits as soon as possible if there is still a need.

#### DECISION AND ORDER

The Administrative Law Judge, based upon t he above findings of fact and conclusion s of law, finds that DHS pr operly denied Claimant 's application dat ed 10/22/10 for FAP benefits due to a failure to verify income. The actions taken by DHS are AFFIRMED.

Christian Bardocki

Administrative Law Judge For Maura Corrigan, Director Department of Human Services

Date Signed: 03/14/11

Date Mailed: 03/17/11

**NOTICE**: Administrative Hearings may or der a rehearing or reconsideration on either its own motion or at t he request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hear ings will not orde r a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

CG/dj

CC:

