

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

[REDACTED]

[REDACTED]

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 [REDACTED]. After due notice, a telephone hearing was held on [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) and Family Independence Program (FIP) 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 was an ongoing Food Assistance Program (FAP) and Family Independence Program (FIP) recipient.
2. On [REDACTED], the Department sent the Claimant a Redetermination form with a due date of [REDACTED].
3. On [REDACTED], the Department sent the Claimant a Verification Checklist with a due date of [REDACTED]. The Department requested that the Claimant provide verification of her checking account, and her income.
4. On [REDACTED], when the Department had not received the Claimant's verification documents, it sent the Claimant notice that it would terminate her Food Assistance Program (FAP) benefits on [REDACTED] 11 and her Family Independence Program (FIP) benefits on [REDACTED].

5. The Department received the Claimant's request for a hearing on [REDACTED] [REDACTED] protesting the termination of her Food Assistance Program (FAP) and Family Independence Program (FIP) benefits.

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).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, et seq. The Department of Human Services (DHS or Department) administers the FIP program pursuant to MCL 400.10, et seq., and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective [REDACTED]. 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. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130. 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. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130. 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. 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. The Department should extend the time limit no more than once if the client cannot provide the verification despite a reasonable effort. BAM 130.

In this case, the Claimant was an ongoing Food Assistance Program (FAP) and Family Independence Program (FIP) recipient. On [REDACTED], the Department sent the Claimant a Redetermination form. The Claimant returned this form, and based on

the information she submitted, the Department sent the Claimant a Verification Checklist with a due date [REDACTED]. The Department requested that the Claimant provide verification of her checking account and her income for the previous 30 days. On [REDACTED] when the Department had not received the Claimant's verification documents, it sent the Claimant notice that it would terminate her Food Assistance Program (FAP) benefits on [REDACTED] and her Family Independence Program (FIP) benefits on [REDACTED].

The Claimant argued that she did not receive the Verification Checklist form.

The Department provided a copy of the Verification Checklist, which was properly addressed to the Claimant at her current mailing address. 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 this case, the Claimant failed to rebut the presumption of receipt.

Based on the evidence and testimony available during the hearing, the Department has established that it properly determined the Claimant's eligibility for Food Assistance Program (FAP) and Family Independence Program (FIP) 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 Food Assistance Program (FAP) and Family Independence Program (FIP) eligibility.

The Department's Food Assistance Program (FAP) and Family Independence Program (FIP) eligibility determination is AFFIRMED. It is SO ORDERED.

_____/s/_____
[REDACTED]

Date Signed: _____

Date Mailed: _____

