

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

IN THE MATTER OF:

[REDACTED]

Reg
Issue
Case
Hearing

No: 2011-20892
No: 3008
No: [REDACTED]
Date:

[REDACTED]
SSPC East DHS (98)

ADMINISTRATIVE LAW JUDGE: [REDACTED]

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 received by the Department on [REDACTED]. After due notice, a telephone hearing was conducted from Detroit, Michigan on [REDACTED]. The Claimant appeared and testified. [REDACTED], Assistance Payments Worker appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's Food Assistance (FAP) application due to Claimant's failure to return information requested by the Verification Checklist by the due date?

FINDINGS OF FACT

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

1. The Claimant applied for Food Assistance benefits (FAP) on [REDACTED].
2. The Claimant was sent a verification checklist requesting that he provide proof of self employment income. The Verification Checklist was sent on [REDACTED], and was received by the Claimant. Exhibit 1.

3. The Claimant also participated in an interview by phone on [REDACTED]
4. The Verification information was due to be returned on [REDACTED]
5. The Claimant did not return the requested information until after his application was denied. The information was provided at the time he filed his request for hearing on [REDACTED]
6. The claimant testified that he did not understand what self employment information the Department needed and left phone messages with his caseworker asking for assistance. He did not receive a return phone call.
7. The Department included a Self Employment Income and Expense Statement with the verification checklist. Exhibit 2
8. The Claimant did not request an extension of time to file the verification information requested by the Department.
9. The Claimant did not file the information he did have available by the verification due date.
10. The Department sent a Notice of Case Action to the Claimant on [REDACTED] denying his application for food assistance effective [REDACTED] Exhibit 3.
11. The Claimant requested a hearing on [REDACTED], protesting the denial of his Food Assistance application. The hearing request was received by the Department on [REDACTED].

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) 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 (RFT).

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The questionable information might be from the client or a third party. Id. The Department can use documents, collateral contacts or home calls to verify information. Id. The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. BAM 130, p.4; BEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130, p. 4. Before making an eligibility determination, however, the Department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. BAM 130, p.

The Department is required to verify employment and income at application and when a change is reported. If the client fails to verify these items the Department must close the Claimant's case or deny the application for failure to verify the requested information. BEM 554, p. 11. The verification checklist advises clients that the proofs must be provided by the due date and that failure to return the information may cause benefits to be denied.

In this case, the Department mailed out a Verification Checklist requesting several pieces of information including verification of self employment income. Although the Claimant requested some assistance, he did not provide any of the requested information to the Department until after his case was already denied. The Claimant received the verification checklist and had he responded with any of the information which had been requested, his cooperation with the Department would have been established and the denial of the application would not be appropriate. Here, however,

the Claimant did not provide any information and thus it must be found that the Department properly denied the application based on the information available at the time of the application denial. The Department under these circumstances correctly denied the Claimant's FAP application because the information was not returned and thus acted correctly and in accordance with its policy. BAM 130 id.

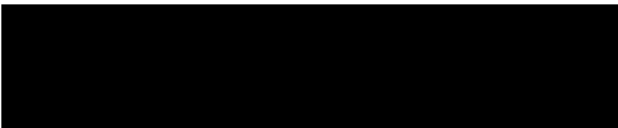
The claimant is encouraged to reapply for Food Assistance. If the Claimant requires a time extension, he must request it before the date the verifications are due.

Based on the foregoing, it is found that the Department's denial of the Claimant's FAP application was in accordance with policy and was proper and therefore is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that there was sufficient evidence presented to affirm the Department's actions, and therefore, the denial of the Claimant's Food Assistance application by the Department is AFFIRMED

Administrative
for
Department



Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: 04/20/11

Date Mailed: 04/26/11

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.

LMF/dj

cc: [REDACTED]
SSPC [REDACTED] East

Administrative Hearings