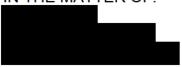STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

Reg No: 2011-31832
Issue No: 3008
Case No:
Hearing Date:
June 1, 2011
Wayne County DHS (18)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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. After due notice, a telephone hearing was conducted from Detroit, Michigan on June 1, 2011. The Claimant appeared and testified. Akisha Drain, ES and Xavier Bennett, ES and Ken Swiatkowski, FIM appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's Food Assistance (FAP) case due to Claimant's failure to return 30 days of pay 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 was an ongoing recipient of Food Assistance benefits, (FAP).

2.   The Claimant completed a redetermination on April 6, 2011, and indicated that he had begun working.

3.	The Department sent the following requests for verification to the Claimant: Verification Checklist seeking Verification of 30 days of income, due April 18, 2011, and Verification of Employment, dated 4/6/11. Exhibits 4 and 7.

4.	The Department closed the Claimant's food assistance case on 5/1/11, for failure to provide verification of 30 days of income and failure to provide verification of employment.

5.	The Claimant did not provide the Department 30 days of income but provided only 3 weeks of pay stubs. The employment verification was not received from the employer. Exhibit 3

6.	The Claimant received both the verifications requesting information.

7.	On April 21, 2011, the Claimant submitted 3 weeks of pay stubs.

8.	The Claimant requested a hearing on May 5, 2011, protesting the closure of his Food Assistance case.

<u>CONCLUSIONS OF LAW</u>

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. <u>Id.</u> The Department can use documents, collateral contacts or home calls to verify information. <u>Id.</u> 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.

In this case, the Department mailed out a Verification Checklist seeking verification of employment and 30 days of income verification. The Claimant received the verification checklist and verification of employment information requests. The Claimant sent the verification of employment to his employer and provided the Department 3 weeks of pay stubs. The pay stubs did not cover a 30 day period as requested by the Verification Checklist. The Claimant clearly attempted to comply, but did not provide the necessary pay stub information requested by the Department. This income information requested is necessary for the Department to properly compute a FAP budget based on this new income information. Under these circumstances the Department properly closed the Claimant's case for failure to verify the information requested. The verification checklist provided to the Claimant was very clear and requested 30 days of income. Based on these circumstances, the Department properly closed the Claimant's case for failure to fully verify the information by the due date. The Claimant is urged to reapply for FAP benefits.

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

<u>DECISION AND ORDER</u>

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

Lynn M. Ferris (signature)

Lynn M. Ferris
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 06/06/11

Date Mailed: 06/07/11

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: