

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 201131867
Issue No. 3008
Case No. [REDACTED]
Hearing Date: June 8, 2011
Wayne County DHS (15)

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 claimant's request for a hearing. After due notice, a telephone hearing was held on June 8, 2011. The claimant appeared but did not testify; [REDACTED] appeared and testified on behalf of Claimant as her authorized hearing representative. On behalf of Department of Human Services (DHS), [REDACTED] Manager, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's application for Food Assistance Program (FAP) and Medical Assistance (MA) benefits based on an alleged failure to verify income.

FINDINGS OF FACT

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

1. On 2/23/11, Claimant applied for FAP and MA benefits.
2. Claimant's application referred to employment involving paper shredding and indicated a last pay date of 12/27/10 for the employment.
3. On an unspecified subsequent date, DHS mailed a Verification Checklist (VCL) requesting employment income verification for the paper shredding employment for the period of 1/25/11-2/23/11.
4. In response, Claimant only submitted one check stub from a date prior to 1/25/11.

5. Claimant's AHR stated that Claimant did not receive any check stubs from the period of 1/25/11-2/23/11.
6. Based on the alleged failure to verify income from 1/25/11-2/23/11, DHS denied Claimant's application for FAP and MA benefits.
7. On 3/25/11, Claimant's AHR requested a hearing to dispute the DHS denial of FAP and MA benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (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). DHS (formerly known as the Family Independence Agency) administers the FAP pursuant to Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001-3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). Updates to DHS regulations are found in the Bridges Policy Bulletin (BPB).

The undersigned will refer to the DHS regulations in effect as of 3/2011, the estimated month of the DHS decision which Claimant is disputing. Current DHS manuals may be found online at the following URL: <http://www.mfia.state.mi.us/olmweb/ex/html/>.

For FAP benefits, DHS is to send a negative action notice when the client indicates a refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130 at 5. The primary issue in this case involves whether DHS properly determined that Claimant failed to comply with a VCL request for income verification, specifically income received between 1/25/11-2/23/11.

Claimant's AHR clarified that Claimant did not receive employment income from 1/25/11-2/23/11; thus, Claimant's AHR contended Claimant could not submit verification of income that did not exist. DHS responded that even if Claimant's statement was accurate, DHS had no way to know that Claimant received no income from 1/25/11-2/23/11; thus, DHS did not err in denying Claimant's application.

It was established that Claimant's application stated that the last pay date for the shredding employment was 12/27/10. Considering the application was submitted to DHS on 2/23/11, that would create an approximate two month lapse between the application date and Claimant's last pay date. The undersigned interprets the two month time difference as notice to DHS that Claimant had no pays within the requested timeframe. DHS responded that Claimant verified receiving a pay after 12/27/10 (but

201131867/CG

before 1/25/11) however the undersigned sees no reason why that fact would change whether DHS had notice that Claimant had no pays between 1/25/11-2/23/11. It is found that DHS improperly denied Claimant's application for MA and FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application for FAP and MA benefits. It is ordered that DHS:

- reinstate Claimant's application dated 2/23/11;
- request any verification of Claimant's paper shredding employment income, if needed, in compliance with DHS regulations; and
- supplement Claimant for any benefits not received as a result of the improper denial.

The actions taken by DHS are REVERSED.


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

Date Signed: June 14, 2011

Date Mailed: June 14, 2011

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 of the rehearing decision.

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cc:

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Christian Gardocki
Administrative Hearings