

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-37609

Issue No: 3008

[REDACTED]

Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the DHS client's (also referred to as "the claimant") request for a hearing received on May 26, 2011. After due notice, a telephone hearing was held on July 13, 2011. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly close the claimant's Food Assistance Program (FAP) benefits for failure to timely return the required verification?

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 receiving FAP at all times pertinent to this hearing. (Hearing Summary).
2. On February 14, 2011, the claimant submitted a Redetermination Form (DHS-1010) where she listed income from only one employer.¹ (Department Exhibits 1-4).
3. On March 21, 2011, the Department mailed the claimant a Verification Checklist (DHS-3503-C) requesting verification of her income including 30 days pay stubs from all employers, employer statements, and other verifications. The deadline for the claimant to forward the verifications to the department was March 31, 2011. (Department Exhibit 5).

¹ According to the department's computer database, the claimant had income from 3 (three) employers at the time. The income from all three employers was budgeted when the department calculated the claimant's FAP benefits.

4. Before the March 31, 2011 deadline, the claimant provided the department with a 2010 check stub from one of her employers (██████████) but she did not provide recent check stubs from 2011. (Department Exhibit 24).
5. On April 6, 2011, the department mailed the claimant a Notice of Case Action (DHS-1605), informing her that her FAP benefits have closed because she failed to provide requested employment verification to update her case for redetermination. (Notice of Case Action, Department Exhibit 20-24).
6. On May 26, 2011, the claimant submitted a hearing request challenging the closure of her FAP. (Request for a Hearing).

CONCLUSIONS OF LAW

The client has the right to request a hearing for any action, failure to act or undue delay by the department. BAM 105. The department provides an administrative hearing to review the decision and determine its appropriateness. BAM 600.

The regulations that govern the hearing and appeal process for applicants and recipients of public assistance in Michigan are contained in the Michigan Administrative Code (Mich Admin Code) Rules 400.901 through 400.951. An opportunity for a hearing shall be granted to a recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. Mich Admin Code 400.903(1).

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 or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. The department's policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. BAM 130. Clients must take actions within their ability to obtain verifications and DHS staff must assist when necessary. BAM 105. Specifically, the local office must assist clients who ask for help in completing forms or gathering verifications. BAM 105 and BAM 130. The department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested verification. BAM 130. Should the client indicate a refusal to provide a verification or, conversely, if the time period given has elapsed and the client has not made a reasonable effort to provide it, the department may send the client a negative action notice. BAM 130.

Verifications are considered timely if received by the date they are due. BAM 130. For FAP only, if the client contacts the department prior to the due date requesting an

extension or assistance in obtaining verifications, you must assist them with the verifications but do not grant an extension. BAM 130.

In the instant case, the claimant is disputing the department's termination of her FAP benefits for failure to provide Verification Checklist (DHS-3503-C) and related documentation including check stubs from the last 30 days. The claimant's verification forms and related documents were due to the department no later than March 31, 2011. The claimant testified that she inadvertently sent the department the wrong check stubs from 2011, but she does not dispute that she did not submit the required verifications before the deadline. Nor did the claimant provide the department with 30 day check stubs from 2011, which was the relevant time period. There is no evidence that the claimant contacted the department prior to the due date and requested an extension or assistance in obtaining verifications. The claimant simply did not provide the department with the required verifications.

Therefore, this Administrative Law Judge finds, based on the material and substantial evidence presented during the hearing, that the department properly closed the claimant's FAP benefits for failure to timely submit the employment verifications.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly closed Claimant's FAP benefits for failure to timely turn in the requested verifications.

Accordingly, the department's action is AFFIRMED.

It is SO ORDERED.

_____/s/_____
C. Adam Purnell
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: __7/18/11_____

Date Mailed: __7/18/11_____

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.

CAP/ds

■ [REDACTED]