

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 201139651
Issue No: 3008
Case No: [REDACTED]
Hearing Date:
July 20, 2011
Montcalm County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 April 5, 2011. After due notice, a telephone hearing was held on Wednesday, July 20, 2011.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) 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) recipient.
2. On February 14, 2011, the Department sent the Claimant a Redetermination form with a due date of March 1, 2011.
3. On March 17, 2011, the Department sent the Claimant a Verification Checklist with a due date of March 28, 2011. The Department requested that the Claimant provide verification of his rental income.
4. On March 30, 2011, the Department notified the Claimant that it would terminate his Food Assistance Program (FAP) benefits as of April 1, 2011, for failure to provide information necessary to determine his eligibility to receive benefits.
5. The Department received the Claimant's request for a hearing on April 5, 2011, protesting the closure of his Food Assistance Program (FAP) 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).

Clients must report changes in circumstance that potentially affect eligibility or benefit amount within 10 days of receiving the first payment reflecting the change. BAM 105. Income reporting requirements are limited to the following:

- Earned income:
 - Starting or stopping employment.
 - Changing employers.
 - Change in rate of pay.
 - Change in work hours of more than five hours per week that is expected to continue for more than one month.
- Unearned income:
 - Starting or stopping a source of unearned income.
 - Change in gross monthly income of more than \$50 since the last reported change.
- Other changes:
 - Persons in the home.
 - Marital status.
 - Address and shelter cost changes that result from the move.
 - Vehicles.
 - Assets.
 - Child support expenses paid.
 - Health or hospital coverage and premiums.
 - Day care needs or providers. BAM 105.

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.

The Claimant was an ongoing Food Assistance Program (FAP) recipient when the Department sent the Claimant a Redetermination form. The Claimant reported to the Department that he was received rental income. On March 17, 2011, the Department sent the Claimant a Verification Checklist with a due date of March 28, 2011. The Department requested that the Claimant provide verification of his rental income. On March 30, 2011, the Department had not received the Claimant's verification documents, and it notified him that it would terminate his Food Assistance Program (FAP) benefits for failure to provide information necessary to determine his eligibility to receive benefits.

The Claimant argued that his life was in chaos around the time he received the Verification Checklist form. The Claimant argued that he was willing to provide the information, but was not able to return it before the due date. The Claimant testified that he attempted to contact his caseworker but was unable to get a hold of his caseworker by phone. The Claimant did not request an extension to the verification due date, or request assistance from his caseworker to respond to the Verification Checklist form.

Based on the evidence and testimony available during the hearing, the Department has established that it properly closed the Claimant's Food Assistance Program (FAP) benefits for failure to provide information necessary to determine his eligibility to receive 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) eligibility.

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



Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 21, 2011

Date Mailed: July 21, 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 date of the rehearing decision.

KS/tg

cc:

