

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

IN THE MATTER OF:

[REDACTED]  
[REDACTED]  
[REDACTED]

Reg. No: 201140600  
Issue No: 3008  
Case No: [REDACTED]  
Hearing Date:  
July 26, 2011  
Van Burren 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 June 21, 2011. After due notice, a telephone hearing was held on Tuesday, July 26, 2011. The Claimant participated in the hearing, and he was represented by his mother, [REDACTED].

**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. On April 22, 2011, the Department received the Claimant's application for the Food Assistance Program (FAP).
2. On May 2, 2011, the Department sent the Claimant a Verification Checklist form with a due date of May 2, 2011. The Department requested that the Claimant provide verification of his monthly shelter expense.
3. The Department approved the Claimant for Food Assistance Program (FAP) benefits, but did not consider his unverified shelter expense in its determination of the Claimant's benefit amount.

4. The Department received the Claimant's request for a hearing on June 21, 2011, protesting the Department's refusal to include his shelter expense in its Food Assistance Program (FAP) eligibility determination.

### **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 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.

In this case, the Department received the Claimant's application for the Food Assistance Program (FAP). On May 2, 2011, the Department sent the Claimant a Verification Checklist form with a due date of May 2, 2011. The Department requested that the Claimant provide verification of his monthly shelter expense. When the Department did not receive the Claimant's verification documents by the due date, it approved the Claimant for Food Assistance Program (FAP) benefits but did not include his unverified shelter expense in its determination of the Claimant's benefit amount.

The Claimant argued that he should not have been required to submit an application for assistance or submit any verification documents because his Food Assistance Program (FAP) benefits had been closed improperly. The Claimant testified that the Department closed his Food Assistance Program (FAP) case after he failed to attend a redetermination interview in February of 2011. The Claimant testified that he did not receive proper notice of the redetermination interview.

In this case, the issue of whether the Department properly closed the Claimant's Food Assistance Program (FAP) benefits case after he failed to attend a redetermination interview was not considered. This issue had already been settled when the Claimant withdrew his hearing request on April 22, 2011.

In this case, the Claimant was given notice on June 13, 2011, that he had been approved for Food Assistance Program (FAP) benefits. These benefits did not include the unverified shelter expense, and the Claimant requested a hearing on June 21, 2011, protesting his Food Assistance Program (FAP) benefits.

The Claimant did not dispute that shelter verification documents were not submitted along with his application for assistance. The Claimant's representative testified that the Department should have sent the Verification Checklist form to her, because the Claimant did not understand what was required of him.

The Department sent the Verification Checklist to the Claimant at his correct address on record. The proper mailing and addressing of a letter creates a presumption of receipt. That presumption may be rebutted by evidence. [REDACTED]

In this case, the Claimant failed to rebut the presumption of receipt.

The Department's policy on Food Assistance Program (FAP) expenses, Bridges Eligibility Manual Item 554, prohibits the Department from budgeting expenses that require verification until the verification is provided. The Department will determine eligibility and the benefit level without an expense requiring verification if it cannot be verified.

In this case, the Department requested that the Claimant provide verification of his shelter expenses. The Claimant has a duty to cooperate with the Department and to provide information that affects his eligibility to receive benefits. In this case, the Claimant did not provide verification of his shelter expenses until June 28, 2011, which was well after the May 2, 2011, due date and not in time for the Department to use when determining his benefits before that date.

Based on the evidence and testimony available during the hearing, the Department has established that the Department properly determined the Claimant's eligibility for the Food Assistance Program (FAP).

**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.



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

Date Signed: July 28, 2011

Date Mailed: July 29, 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:

