

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

IN THE MATTER OF:

[REDACTED]

[REDACTED]
Jackson 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 Claimant's request for a hearing. After due notice, a telephone hearing was held on September 22, 2011. Claimant personally appeared and provided testimony.

ISSUES

1. Did the department properly close Claimant's Family Independence Program (FIP) benefits for failure to timely return the verification checklist?
2. Did the department properly and timely add Claimant's son to the FAP group?

FINDINGS OF FACT

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

1. At all relevant times, Claimant was an active FAP and FIP recipient. (Department Exhibit 1, Hearing Summary).
2. In January, 2010, Claimant's son [REDACTED] moved into her household. Claimant informed the Department of the new group member addition, but the Department did not add [REDACTED] to Claimant's FAP group until November, 2010.
3. On January 3, 2011, the Department sent Claimant a Verification of Student Information (DHS-3380) with a due date of January 31, 2011. (Department Exhibit 7).

4. On February 24, 2011, the Department mailed Claimant a Verification Checklist (DHS-3503-C), which was due on March 7, 2011. (Department Exhibit 2).
5. Claimant did not send the Department the DHS-3380 by January 31, 2011 nor had she sent the DHS-3503-C by March 7, 2011. (Department Exhibit 1). The Department received the DHS-3380 on April 5, 2011. (Department Exhibits 1 & 13).
6. On March 10, 2011, the Department mailed the claimant a Notice of Case Action (DHS-1605) which closed her FIP for failure to timely return the requested verifications. (Department Exhibits 3 & 4).
7. On July 11, 2011, Claimant requested a hearing challenging her FIP closure and the fact that the Department failed to add her son to her FAP group. (Request for a Hearing).

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (DHS or department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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.

Bridges will assist you in determining who must be included in the Food Assistance program (FAP) group prior to evaluating the nonfinancial and financial eligibility of everyone in the group. BEM 212.

According to BEM 212, FAP group composition is established by determining:

1. Who lives together.
2. The relationship(s) of the people who live together.
3. Whether the people living together purchase and prepare food together or separately, and
4. Whether the person(s) resides in an eligible living situation (see Living Situations). BEM 212.

The relationship(s) of the people who live together affects whether they must be included or excluded from the group. BEM 212. A member add that increases benefits is effective the month after it is reported or, if the new member left another group, the month after the member delete. BEM 212.

There are two issues in the instant case. The first issue concerns whether the Department properly closed Claimant's FIP benefits for failure to timely the requested return verification form. Here, there is no dispute that on January 3, 2011 the Department mailed Claimant a Verification of Student Information (DHS-3380). On February 24, 2011, the Department mailed Claimant a Verification Checklist (DHS-3503-C) which was due no later than March 7, 2011. Claimant does not dispute that he did not submit the required verification forms within the deadline. Therefore, the Department's closure of Claimant's FIP benefits was proper.

The second issue concerns Claimant's FAP benefits. Claimant requested a hearing because the Department failed to timely add Claimant's son to her FAP group. Claimant testified that her son ██████ moved into her home in January, 2010 and that she notified the Department at the time. The Department did not challenge Claimant's assertion, but indicated that ██████. was added to the FAP group in November, 2010. Claimant requests that the Department add her son to her FAP group effective February, 2010. There is no reason why the Department failed to promptly add Claimant's son to her FAP group earlier than 10 (ten) months. This Administrative Law Judge finds, based on the material and substantial evidence presented during the hearing, that the department failed to properly and timely add Claimant's son ██████, ██████ to her FAP group.

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 Family Independence Program (FIP) benefits for failure to return verification forms.

Accordingly, the Department's action with regard to Claimant's FIP case is AFFIRMED.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not act appropriately when it failed to add Claimant's son ██████ as a FAP group member.

Accordingly, the Department's action with regard to Claimant's FAP is REVERSED. The Department is hereby instructed to add Claimant's son (M.C.M., Jr.) to Claimant's FAP group effective February, 2010. The Department shall also award Claimant any retroactive FAP benefits she may be entitled to from February, 2010 through November, 2010.

IT IS SO ORDERED.

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

Date Signed: 9/28/11

Date Mailed: 9/28/11

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 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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

cc:

