

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

IN THE MATTER OF:



Reg. No: 2011-46664  
Issue No: 3008, 3014  
Case No: [REDACTED]  
Hearing Date: September 1, 2011  
Genesee 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 "Claimant") request for a hearing received on July 27, 2011. After due notice, a telephone hearing was held on September 1, 2011. Claimant personally appeared and provided testimony.

**ISSUE**

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

**FINDINGS OF FACT**

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

1. Claimant was receiving FAP at all times pertinent to this hearing. (Hearing Summary).
2. On June 24, 2011, the department received Claimant's Redetermination (DHS-1010) form. On the DHS-1010 form, Claimant indicated that she had a group size of 3 consisting of Claimant, her daughter [REDACTED] and [REDACTED] (her cousin). (Department Exhibits 1-4).
3. The department discovered that Claimant failed to list her son [REDACTED] on the DHS-1010. On July 26, 2011, Claimant's caseworker attempted to contact Claimant over the telephone, but she was unable to reach Claimant. (Department Exhibit 6).
4. On July 9, 2011, the department mailed Claimant a Verification Checklist (DHS-3503-C), and requested Claimant contact her caseworker regarding

her household composition. (Department Exhibit 6). The deadline to comply was July 19, 2011. (Department Exhibit 6).

5. On July 25, 2011, the department mailed the claimant a Notice of Case Action (DHS-1605), informing her that her FAP benefits would close for failure to allow the department to verify information necessary to determine eligibility for the program. (Notice of Case Action, Department Exhibits 7-10).
6. On July 27, 2011, Claimant submitted a hearing request challenging the closure of her FAP benefits. (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. The policies indicate that clients

must cooperate with the local office in determining initial and ongoing eligibility. BAM 105.

In the instant case, Claimant is disputing the department's termination of her FAP benefits for failure to timely provide verification of her group size and group composition. During the hearing, the department caseworker testified that Claimant was required to contact the department by July 19, 2011 to confirm whether Claimant's son [REDACTED] was a member of the group. Claimant testified that she called her caseworker on July 18, 2011 and left her a voicemail message. The department worker denies this allegation and further stated that her documentation reveals that Claimant did not leave a message on July 18, 2011.

The weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). Moreover, it is for the fact-finder to gauge the demeanor and veracity of the witnesses who appear before him, as best he is able. See, e.g., *Caldwell v Fox*, 394 Mich 401, 407; 231 NW2d 46 (1975); *Zeeland Farm Services, Inc v JBL Enterprises, Inc*, 219 Mich App 190, 195; 555 NW2d 733 (1996).

Therefore, this Administrative Law Judge finds, based on the material and substantial evidence presented during the hearing, that the department properly closed Claimant's FAP benefits for failure to timely submit the group composition verification information.

### **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 submit the required verification regarding the proper group size and group composition.

Accordingly, the department's action is AFFIRMED.

It is SO ORDERED.

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

Date Signed: 9/8/11

Date Mailed: 9/8/11

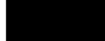
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**NOTICE:** Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or 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

cc:

  
Genesee County DHS

  
A. Purnell  
Administrative Hearings