

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 20111366
Issue No.: 3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 1, 2010
Macomb County DHS (36)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 November 1, 2010. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly terminated Claimant's Food Assistance Program (FAP) benefits due to Claimant's alleged failure to submit 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 applied for FAP benefits on 8/26/10.
2. Claimant submitted a pay stub dated 7/30/10 with her Assistance Application.
3. On 8/30/10, DHS processed Claimant's application for FAP benefits, on the basis that Claimant was eligible for expedited FAP.
4. On 8/30/10, DHS requested verification of Claimant's employment income (Exhibit 2) specifically requesting Claimant's pay stubs from 7/30/10-8/25/10.
5. DHS gave Claimant until 9/9/10 to submit the needed check stub.

6. Claimant submitted a check stub dated 9/10/10 to DHS on 9/14/10.
7. On 9/15/10, DHS mailed Claimant a Notice of Case Action (Exhibit 3) terminating Claimant's FAP benefits due to a failure to verify employment income.
8. Claimant's FAP benefit termination was effective 10/1/2010.
9. On 9/24/10, Claimant requested a hearing disputing the termination of her FAP benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (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 (formerly known as the Family Independence Agency) 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) and the Reference Tables Manual (RFT).

A request for program benefits begins with the filing of a DHS-1171 or other acceptable form. BAM 110 at 1. Before processing an application for FAP benefits, DHS may require a client to verify information within their application. Verification is usually required at application. BAM 130 at 1. DHS must give clients at least ten days to submit verifications. *Id.* After the date passes for submission of verifications, DHS may send a negative action notice if the time period given has elapsed and the client has not made a reasonable effort to provide the information. BAM 130 at 5.

Expedited FAP benefit processing has a shorter standard of promptness and fewer verification requirements to determine FAP eligibility than are normally required. BAM 117 at 1. FAP groups eligible for expedited FAP benefits that apply after the 15th of the month receive a minimum benefit period of two months (month of application and following month). *Id.* at 4. FAP groups eligible for expedited service that fail to provide verifications will not be issued benefits for subsequent months until the FAP group provides the waived verification or completes a redetermination. *Id.* DHS is directed to allow the benefit period to expire if verifications are not submitted by the tenth day following the request (or extended date, if applicable) then DHS should allow the benefits to expire. *Id.*

In the present case, DHS requested verification of Claimant's employment income. Countable income must be verified at application for all programs except Healthy Kids.

BEM 500 at 9. Employment income is countable income. BEM 501 at 5. It is found that DHS appropriately requested verification of Claimant's employment income.

DHS is to budget income from the past 30 days if it appears to accurately reflect what is expected to be received in the benefit month. BEM 505 at 4. The 30-day period used can begin up to 30 days before the interview date or the date the information was requested. *Id.*


In the present case, it was not disputed that Claimant submitted two bi-weekly checks from her employment; Claimant submitted check stubs for 7/30/10 and 9/10/10. DHS contends that Claimant's submissions were not sufficient to verify her employment income. The undersigned tends to agree.

Claimant submitted two check stubs separated by six weeks. Had Claimant submitted check stubs separated by only four weeks, the undersigned might be inclined to find that DHS could have deduced a consecutive 30 day period of income using year-to-date information from the submitted pay stubs. As Claimant submitted check stubs separated by two full pay periods, DHS could not calculate Claimant's income for a consecutive 30 day period. DHS had some flexibility about which 30 day period was used in processing Claimant's application but was required to consider a consecutive 30 day period.

Claimant testified that she attempted to call DHS for clarification of what verifications were needed. Claimant did not dispute receiving the Verification Checklist (Exhibit 2). The undersigned is not inclined to excuse Claimant's failure to submit the income verifications based on DHS failing to return Claimant's telephone calls. The Verification Checklist specifically stated, "Please provide verification of pay between July 30-August 25, 2010." The DHS request was clear and should not have needed further clarification. It is found that Claimant failed to sufficiently verify her income and that DHS properly terminated Claimant's expedited FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's FAP benefits effective 10/1/10. The actions taken by DHS are AFFIRMED


Christian Gardocki
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

20111366/CG

Date Signed: November 5, 2010

Date Mailed: November 5, 2010

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.

CG/hw

cc:

