

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

IN THE MATTER OF:

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Reg. No: 201114907
Issue No: 3008
Case No: ██████████

Hearing Date:
March 10, 2011
Kent 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 November 1, 2011. After due notice, a telephone hearing was held on Thursday, March 10, 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 applied for Food Assistance Program (FAP) benefits on September 17, 2010.
2. The Claimant receives monthly unearned income in the gross monthly amount of \$1,365.
3. The Claimant reported a monthly medical expense for \$62.
4. On September 25, 2010, the Department sent the Claimant a Verification Checklist with a due date of October 5, 2010. The Department requested verification of the Claimant's shelter expenses.

5. On October 15, 2010, the Department approved the Claimant's FAP application with a monthly FAP allotment of \$16.
6. The Department received the Claimant's request for a hearing on November 1, 2010, protesting the amount of her FAP allotment.

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).

All earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization, or from self-employment for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. BEM 500.

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105, p. 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130, p. 1. 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, p. 1. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130, p. 1. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130, p. 2. 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, p. 4. 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, p. 4. The Department should extend the time limit no more than once if the client cannot provide the verification despite a reasonable effort. BAM 130, p. 4.

On September 17, 2010, the Claimant applied for Food Assistance Program (FAP) benefits. On September 25, 2010, the Department sent the Claimant a Verification Checklist with a due date of October 5, 2010. The Department requested verification of the Claimant's shelter expenses. The Department did not receive verification of the Claimant's shelter expenses.

The Claimant received monthly unearned income in the gross monthly amount of \$1,365, an amount that the Claimant does not dispute. The Claimant reported a monthly medical expense of \$62. The Claimant's adjusted gross income of \$1,162 was determined by subtracting a \$141 standard deduction and her medical expenses from her gross monthly income. The Claimant's excess shelter deduction of \$7 was determined by subtracting 50% of her adjusted gross income from the \$588 heat and utility standard under the Low Income Home Energy Assistance Program. No other shelter expenses were applied to the Claimant's excess shelter deduction because these expenses had not been verified.

The Claimant's net income of \$1,155 was determined by subtracting the \$7 excess shelter deduction from the adjusted gross income. A claimant with a group size of one and a net income of \$1,155 is entitled to a FAP allotment of \$16, which is the amount of FAP benefits granted to the Claimant for this period. RFT 260. I find that the Department has established that it acted in accordance with policy determining Claimant's FAP allotment.

The Claimant argued that the Department failed to include her monthly shelter expenses in her FAP eligibility determination. The Claimant testified that she submitted verification of her monthly shelter expenses by fax. The Claimant was unable to provide evidence of the fax transmission.

The Department's representative testified that the Department had no record of receiving verification of the Claimant's monthly shelter expenses.

Based on the evidence and testimony available during the hearing, this Administrative Law Judge finds that the Claimant did not make a reasonable attempt to supply the Department with verification of her monthly shelter expenses. The Department established that it acted in accordance with policy when it determined the Claimant's eligibility for FAP benefits without any shelter expenses, because they had not been verified. The Department has established that it properly determined the Claimant's eligibility for FAP 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 FAP eligibility.

The Department's FAP eligibility determination is AFFIRMED. It is SO ORDERED.

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

Date Signed: March 14, 2011

Date Mailed: March 15, 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

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