

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. 201117248  
Issue No. 3008  
Case No. [REDACTED]  
Hearing Date: March 7, 2011  
SSPC East (97)

**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 March 7, 2011. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED] and [REDACTED] appeared and testified.

**ISSUE**

Whether DHS properly terminated Claimant's Food Assistance Program (FAP) benefits due to Claimant's failure to timely return income verifications.

**FINDINGS OF FACT**

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

1. On 10/22/10, Claimant applied for FAP benefits.
2. On 11/6/10, DHS mailed a Verification Checklist (Exhibit 1) to Claimant requesting verification of Claimant's income and shelter expenses.
3. The due date for Claimant to return the verifications was 11/16/10.
4. Claimant did not return either requested verification to DHS.
5. On 11/19/10, DHS mailed a Notice of Case Action (Exhibit 2) to Claimant denying Claimant's FAP benefits due to a failure to verify income.

6. On 12/7/10, Claimant requested a hearing disputing the termination of 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 Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001- 3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RT). Updates to DHS regulations are found in the Bridges Policy Bulletin (BPB).

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.


In the present case, DHS requested verification of Claimant's employment income (and shelter expenses). Countable income must be verified at application for FAP benefits. BEM 500 at 9. Employment income is countable income. BEM 501 at 5. It is found that DHS appropriately requested and required verification of Claimant's employment income.

Claimant stated that she was holding off on returning the income verification until she was able to obtain a document verifying her shelter obligation. Claimant further stated that she had difficulty in obtaining the shelter verification which caused a delay in her return of the income verification. Claimant's argument does not affect whether DHS properly denied Claimant's FAP benefits. DHS established that they followed proper procedures in requesting verification of Claimant's income and it was not disputed that Claimant failed to return her verifications by the 11/16/10 due date or the 11/19/10 denial date. It is found that DHS properly denied Claimant's application dated 10/22/10 for FAP benefits due to Claimant's failure to timely verify income.

As stated during the hearing, Claimant can always reapply for FAP benefits; Claimant was previously unaware of this right. Claimant is encouraged to reapply for FAP benefits as soon as possible if there is still a need.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's application dated 10/22/10 for FAP benefits due to a failure to verify income. The actions taken by DHS are AFFIRMED.

  
Christian Gardocki  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: 03/14/11

Date Mailed: 03/17/11

**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 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/dj

cc:

