

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 201117811

Issue No: 3008

Case No: [REDACTED]

Hearing Date:

March 9, 2010

SSPC-West 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 January 11, 2011. After due notice, a telephone hearing was held on Wednesday, March 9, 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 December 4, 2010.
2. The Department sent the Claimant a Verification Checklist on December 14, 2010, with a due date of December 24, 2010. The Department requested verification of the Claimant's income.
3. The Department received copies of the Claimant's paycheck stubs on December 27, 2010.
4. The Claimant submitted copies of paycheck stubs dated October 20, 2010, November 3, 2010, November 10, 2010, and December 1, 2010.

5. On January 4, 2011, the Department denied the Claimant's application for FAP benefits for failure to provide information necessary to determine eligibility.
6. The Department received the Claimant's request for a hearing on January 11, 2011, protesting the denial of his FAP application.

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).

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.

The Claimant applied for Food Assistance Program (FAP) benefits on December 4, 2010. The Claimant reported on his application that he was employed at a rate of \$8.25 per hour and worked 5.5 hours per week. The Department sent the Claimant a Verification Checklist on December 14, 2010, with a due date of December 24, 2010. The Department had requested verification of the Claimant's income. On December 27, 2010, the Department received copies of the Claimant's paycheck stubs. On January 4, 2011, the Department denied the Claimant's application for FAP benefits for failure to provide information necessary to determine eligibility.

The Claimant submitted copies of paycheck stubs to the Department as verification of his earned income. The Claimant works an irregular schedule and he is paid on a weekly basis. The Claimant submitted copies of paycheck stubs for \$137.60 dated October 20, 2010, \$116.00 dated November 3, 2010, \$96.96 dated November 10, 2010, and \$99.99 dated December 1, 2010. The Claimant did not submit paycheck stubs for the periods October 18, 2010, through October 24, 2010, or November 8, 2010, through November 21, 2010.

From the gross wages YTD section of the paycheck stubs that the Claimant submitted, this Administrative Law Judge finds that the Claimant received income during the two periods where no verification was submitted to the Department. This Administrative Law Judge finds that the Claimant received a paycheck on October 27, 2010, in the gross amount of \$80.56, and a total of \$48.64 on one or both of the dates November 17, 2010 and November 24, 2010.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130. The Department will send a negative action notice when:

- The client indicates refusal to provide a verification, or
- The time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130.

Before determining eligibility, give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. BAM 130.

The Claimant did not refuse to verify his earned income and he submitted copies of his paycheck stubs to the Department. Using all the information available on these paycheck stubs, the Claimant's earned income during the 30 days before his FAP application on December 4, 2010, can be determined using the Claimant's gross income year-to-date. This Administrative Law Judge finds that the Claimant made a reasonable effort to provide the Department with verification of his earned income.

Based on the evidence and testimony available during the hearing, this Administrative Law Judge finds that the Claimant made a reasonable effort to provide verification of his income. This Administrative Law Judge finds that the Claimant's earned income for the 30 days before his application was submitted can be verified from the documents he submitted. Therefore, this Administrative Law Judge finds that the Department has not established that it properly denied the Claimant's application for FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that Department failed to establish that it properly denied the Claimant's application for Food Assistance Program (FAP) benefits for failure to provide information necessary to determine eligibility.

Accordingly, the Department's Food Assistance Program (FAP) eligibility determination is REVERSED. It is further ORDERED that the Department shall:

1. Initiate a determination of the Claimant's eligibility for Food Assistance Program (FAP) as of the his application date of December 4, 1010.

2. Provide the Claimant with written notification of the Department's revised eligibility determination.
3. Issue the Claimant any retroactive benefits he may be eligible to receive, if any.

/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

cc:

