

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]

March

Reg
Issue
Case
Hearing

No: 2011-19251
No: 3008
No: [REDACTED]
Date:
14, 2011
Wayne County DHS (18)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 received by the Department on January 23, 2011. After due notice, a telephone hearing was conducted from Detroit, Michigan on March 14, 2011. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's Food Assistance (FAP) application due to Claimant's failure to return information requested by the Verification Checklist by the due date?

FINDINGS OF FACT

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

1. The Claimant applied for Food Assistance (FAP) benefits on December 17, 2010.
2. The Claimant was sent a verification checklist requesting proof of her monthly rent amount, verification of employment, and proof of income verified by check stubs for the last 30 days. Exhibits 1 and 2.

3. The Claimant received the verification checklist.
4. The Verification information was due to be returned on January 3, 2011.
5. The Claimant testified that she faxed the information to the Department on January 3, 2011, but did not have a fax confirmation.
6. The Claimant did not request an extension of time to file the verification information requested by the Department.
7. The Department did not receive the requested information or the verification of employment from the employer. The Department issued a Notice of Case Action dated January 14, 2011, which denied the Claimant's Food Assistance application effective December 17, 2010, for failure to provide required verification information Exhibit 3.
8. The Claimant requested a hearing on January 23, 2010, protesting the denial of her food assistance application. The hearing request was received by the Department on January 26, 2010.

CONCLUSIONS OF LAW

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) administers the FAP program pursuant to MCL 400.10, et seq., and MACR 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT).

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The questionable information might be from the client or a third party. Id. The Department can use documents, collateral contacts or home calls to verify information. Id. The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once.

BAM 130, p.4; BEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130, p. 4. Before making an eligibility determination, however, the department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. BAM 130, p.

The Department is required to verify employment and income at application and when a change is reported. If the client fails to verify these items the Department must close the Claimant's case or deny the application for failure to verify the requested information. BEM 554, p. 11.

In this case, the Department mailed out a Verification Checklist seeking of employment and rent information as well and a Verification of Employment to be filled out by the employer. The Claimant received the verification checklist and verification of employment information requests, and although she testified that she faxed the requested information and that her employer returned the forms, the Claimant did not have proof of fax verification. The Claimant did not return the information by the due date and did not request assistance from the Department or request an extension of time in which to file the requested information. The Department under these circumstances correctly denied the Claimant's FAP application because the information was not returned and thus acted correctly and in accordance with its policy. BAM 130 id.

The claimant is encouraged to reapply for food assistance. If the Claimant requires a time extension, she must request it before the date the verifications are due.

Based on the foregoing, it is found that the Department's denial of the Claimant's FAP application was in accordance with policy and was proper and, therefore, is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that there was sufficient evidence presented to affirm the Department's actions and, therefore, the denial of the Claimant's Food Assistance application by the Department is AFFIRMED

Administrative
for
Department



Lynn M. Ferris
Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: 03/28/11

Date Mailed: 03/30/11

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.

LMF/dj

cc:

