

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg
Issue
Case
Hearing

No: 2011-24890

No: 3008

No: [REDACTED]

Date:

[REDACTED]
SSPC East DHS (98)

ADMINISTRATIVE LAW JUDGE: [REDACTED]

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 conducted from Detroit, Michigan on [REDACTED]. The Claimant appeared and testified. [REDACTED] the Claimant's Authorized Hearing Representative, (AHR) also appeared. [REDACTED] Assistance Payments Supervisor, 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 benefits, (FAP) on [REDACTED]
[REDACTED]

2. On [REDACTED], the Claimant was sent a verification checklist requesting proof of her monthly rent amount, and verification of self employment by providing one of the following, business receipts, or accounting or business records or a recent income tax return
3. The Claimant received the verification checklist.
4. The Verification information was due to be returned on [REDACTED]
5. The Claimant testified that she faxed some employment information, a list of the checks she received for commission to the Department on [REDACTED] but did not have a fax confirmation receipt. The Department did not receive this earnings information.
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 self employment form from the Claimant. The Department issued a Notice of Case Action dated [REDACTED], which denied the Claimant's Food Assistance application.
8. The Claimant requested a hearing on [REDACTED], protesting the denial of her Food Assistance application. The hearing request was received by the Department on [REDACTED].

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 MAC R 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 verification of rent information, as well and a Verification of Self Employment form which could be filled out by the Claimant. The Claimant received the verification checklist and verification of self employment information requests, and although she testified that she faxed a one page sheet listing her earnings from her employer, the requested information was not received by the Department and the Claimant did not provide proof of fax verification. The Department under these circumstances correctly denied the Claimant's FAP application because the information was not received by the Department, and thus acted correctly and in accordance with its policy when it denied the application. BAM 130 id.

The claimant is encouraged to reapply for Food Assistance and to provide verification of the actual self employment income from commissions and expenses.

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.

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Administrative
For
Department

Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: 05/12/11

Date Mailed: 05/13/11

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:

[REDACTED]

SSPC-East / DHS-1843

[REDACTED]

Administrative

Hearings