

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:

[REDACTED]

[REDACTED]

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received on [REDACTED]. After due notice, a telephone hearing was held on [REDACTED]. Claimant personally appeared and provided testimony.

ISSUE

Whether the department properly denied Claimant's application for the Food Assistance Program (FAP) based on her failure to verify voluntary child support?

FINDINGS OF FACT

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

1. On [REDACTED], Claimant applied for the Food Assistance Program (FAP) through Self Service. (Hearing Summary).
2. The department mailed Claimant a Verification Checklist on [REDACTED] [REDACTED] requesting verification of her unemployment compensation benefits (UCB) and rent, due [REDACTED]. (Department Exhibit 2).
3. On [REDACTED] Claimant had an in-person interview with the department and also re-applied for FAP. During the interview, Claimant informed the department that she was receiving voluntary child support. Claimant had not listed the voluntary child support on her [REDACTED] FAP application. (Hearing Summary).

4. The department mailed Claimant a Verification Checklist on [REDACTED] requesting verification of the voluntary child support, due [REDACTED] (Department Exhibit 3).
5. On [REDACTED] the department received the requested UCB and rent verifications and due to the department failing to enter receipt of the requested document, Bridges automatically mailed Claimant a Notice of Case Action on [REDACTED] closing Claimant's FAP case effective [REDACTED] (Hearing Summary; Department Exhibits 4-5).
6. On [REDACTED], the department closed Claimant's Medicaid and FIP programs for failure to submit the requested voluntary child support verifications. (Department Exhibits 7-8).
7. Claimant submitted a hearing request on [REDACTED], protesting the closure of her FAP case. (Request for a Hearing).

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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 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) and the Bridges Reference Manual (BRM).

Department policy states that clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. Clients must take actions within their ability to obtain verifications. BAM 105.

The department must assist when necessary. The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or not fluent in

English. BAM 105. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130.

The department uses the Verification Checklist, DHS-3503, to tell the client what verification is required, how to obtain it and the due date. The client must obtain the required verification, but the department must assist if they need and request help. BAM 130.

A client is allowed 10 calendar days (or other time limit specified in policy) to provide the verification requested by the department. The department sends 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.

In this case, Claimant submitted duplicate applications for FAP benefits. The first application for FAP was submitted online on [REDACTED]. In response to her application, the department mailed Claimant a Verification Checklist requesting verification of her unemployment compensation benefits and rent expense, due [REDACTED].

Claimant turned in the requested proof of unemployment compensation benefits and rent expense on [REDACTED] however the verification was not entered into the department's Bridges computer program and a Notice of Case Action was generated on [REDACTED] for failure to return the requested verifications.

During the interview with the department on [REDACTED] Claimant re-applied for FAP and informed the department that she received voluntary child support. A review of her FAP application from [REDACTED] shows Claimant did not list the voluntary child support. The department mailed Claimant a second Verification Checklist, requesting proof of the voluntary child support, due [REDACTED]. This effectively extended Claimant's deadline to return verifications for her FAP application to [REDACTED].

Claimant stated that she had dropped off the requested voluntary child support information in-person at the department two to three days after her in-person interview on [REDACTED]. The department checked the log for the month of [REDACTED], and there was no record of Claimant dropping off paperwork. As of the date of the hearing, the department had not received proof of the voluntary child support. The Administrative Law Judge finds that Claimant did not provide the requested verification of voluntary child support by [REDACTED], and the department properly closed Claimant's FAP case effective [REDACTED].

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly closed Claimant's FAP case for failure to turn in the requested verification.

Accordingly, the department's determination is UPHELD.

It is SO ORDERED.

/s/ _____
[Redacted Signature]

Date Signed: _____

Date Mailed: _____

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.

[Redacted]