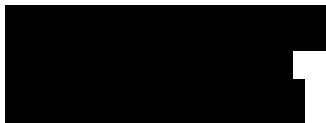


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201136099
Issue No: 3005; 3012; 3023
Case No: [REDACTED]
Hearing Date: June 29, 2011
Van Buren County DHS

ADMINISTRATIVE LAW JUDGE: COREY A. ARENDT

AMENDED HEARING DECISION

This matter is before me pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on June 29, 2011. The Claimant and Department appeared and provided testimony.

ISSUE

Did the Department properly deny Claimant's Family Assistance Program (FAP) benefits for failure to provide income verification?

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 April 12, 2011, the Claimant submitted to the Department an application for FAP benefits. At the time of application, the Department asked the Claimant to produce two paycheck stubs from the last 30 days. At that time, the Claimant submitted to the Agency copies of her last two pay check stubs. The pay check stubs covered the period of March 9, 2011 through April 5, 2011. (Hearing Summary, Department Exhibits 1-19, 21).
2. On May 2, 2011, the Department mailed the Claimant a verification checklist, DHS-3688 and DHS-38. The checklist requested Claimant to submit proof of wages by May 12, 2011. (Hearing Summary, Department Exhibits 22-23).
3. On May 11, 2011, the Department mailed the Claimant a verification checklist. The checklist requested Claimant to submit proof of wages by May 23, 2011. (Department Exhibits 32-33).

4. On May 13, 2011, the Department denied Claimant's application for FAP benefits for failure to provide proof of wages. (Hearing Summary).
5. On May 13, 2011, the Claimant faxed to the Department a copy of her pay check stub for the period of April 6, 2011 through April 19, 2011. (Department Exhibit 28-29).
6. On May 20, 2011, the Department processed the Claimant's FAP benefits with a start date of May 13, 2011. (Hearing Summary, Department Exhibit 34-38).
7. On May 23, 2011, the Department received Claimant's request for hearing. (Hearing Summary).

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 of that decision. (BAM 600).

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) was 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 indicates that clients must cooperate with the local office in determining initial and ongoing eligibility with all programs. (BAM 105). This includes completion of the necessary forms. Clients who are able to but refuse to provide necessary information or take a required action are subject to penalties. (BAM 105).

Clients must take actions within their ability to obtain verifications. (BAM 130; BEM 702). Likewise, DHS local office staff must assist clients who ask for help in completing forms. (BAM 130; BEM 702; BAM 105). Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. The Department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested verification. If the client is unable to provide the verification despite a reasonable effort, the Department must extend the time limit at least once.

Should the client indicate a refusal to provide a verification or, conversely, if the time period given has elapsed and the client has not made a reasonable effort to provide it, the Department may send the client a negative action notice. (BAM 130).

In the instant case, the Department requested the Claimant to produce paystubs to cover the 30 day period just prior to the application. The Claimant complied with the Department's request and produced two pay stubs to cover the 30 day period. On approximately May 2, 2011, the Department requested the Claimant produce an additional pay stub for the period covering April 6, 2011 through April 19, 2011 since they could not consider the March 25, 2011 paystub.

The Department did not provide any significant reason or specific policy to indicate why they could not consider the March 25, 2011 paystub. And furthermore, the Department failed to establish a significant reason as to why the Claimant needed to provide additional financial documentation beyond what was already provided. Accordingly, I find the Agency did not follow policy by requesting additional financial documents when the Claimant already provided what was necessary to either grant/deny her application.

Accordingly, I find the Agency's actions are **reversed**.

DECISION AND ORDER

I find, based upon the above findings of fact and conclusions of law, that the Department improperly **denied** Claimant's **application for** FAP benefits for failure to provide the requisite income verification documentation.

Accordingly, the Department's actions are **REVERSED** and the Department shall redetermine Claimant's FAP benefits for the time period of **April 12, 2011** through **May 12, 2011**, and issue any supplement FAP benefits Claimant is otherwise entitled to.

It is SO ORDERED.

/s/

Corey A. Arendt
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 26, 2011

Date Mailed: July 27, 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.

CAA/cr

cc:

