

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 201140197
Issue No: 3008
Case No: [REDACTED]
Hearing Date:
July 20, 2011
Genesee 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 June 27, 2011. After due notice, a telephone hearing was held on Wednesday, July 20, 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 is an ongoing Food Assistance Program (FAP) recipient.
2. On April 13, 2011, the Department sent the Claimant a Redetermination form with a due date of May 9, 2011.
3. The Department received the Claimant's Redetermination form on May 9, 2011, but the Claimant did not attach verification of her income for the previous 30 days or her shelter expenses.
4. On May 10, 2010, the Department sent the Claimant a Verification Checklist with a due date of May 20, 2011. The Department requested that the Claimant verify her income and her shelter expenses.

5. On May 20, 2010, the Department received verification of the Claimant's income, but the Claimant submitted a Shelter Verification form that was incomplete because it did not contain the signature of her landlord and there was a discrepancy concerning the amount of the shelter expense.
6. The Claimant informed the Department on May 20, 2011, that the information she had submitted consisted of "most of the information requested" and that she would submit the remainder the following week.
7. On May 23, 2011, the Department sent the Claimant another Verification Checklist with a due date of June 2, 2011, requesting verification of the Claimant's shelter expenses.
8. On June 3, 2011, and June 6, 2011, the Claimant notified the Department that she could not submit shelter verification before the June 2, 2011, due date. The Department informed the Claimant that she would be permitted to submit her verification documents after the due date.
9. On June 10, 2011, the Department determined the Claimant's eligibility for the Food Assistance Program (FAP) based on the verified information that it was aware of, and determined that she was eligible for a monthly Food Assistance Program (FAP) allotment of \$52.
10. The Department received verification of the Claimant's shelter expenses and verification of a change in her earned income on June 10, 2011.
11. The Claimant's father is also her employer and her landlord.
12. On June 13, 2011, the Department determined the Claimant's eligibility for the Food Assistance Program (FAP) and determined that she was eligible for a monthly Food Assistance Program (FAP) allotment of \$200 as of July 1, 2011.
13. The Department received the Claimant's request for a hearing on June 27, 2011, protesting the Department's failure to include her shelter expense in its Food Assistance Program (FAP) eligibility determination.

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. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130. 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. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

Clients are allowed ten calendar days to provide the verifications requested by the Department. BAM 130. The Department should send a negative action notice when the client indicates a refusal to provide the verification, or the time period provided has lapsed and the client has not made a reasonable effort to provide it. BAM 130. The Department should extend the time limit no more than once if the client cannot provide the verification despite a reasonable effort. BAM 130.

In this case, the Claimant is an ongoing Food Assistance Program (FAP) recipient. On April 13, 2011, the Department sent the Claimant a Redetermination form with a due date of May 9, 2011. The Department received the Claimant's Redetermination form on May 9, 2011, but the Claimant did not attach verification of her income for the previous 30 days or her shelter expenses.

On May 10, 2010, the Department sent the Claimant a Verification Checklist, requesting verification of the income and expenses, with a due date of May 20, 2011. On May 20, 2010, the Department received verification of the Claimant's income, but the Claimant submitted a Shelter Verification form that was incomplete because it did not contain the signature of her landlord and there was a discrepancy concerning the amount of the shelter expense. The Claimant informed the Department on May 20, 2011, that the information she had submitted consisted of "most of the information requested" and that she would submit the remainder the following week.

On May 23, 2011, the Department sent the Claimant another Verification Checklist with a due date of June 2, 2011, requesting verification of the Claimant's shelter expenses. On June 3, 2011, and June 6, 2011, the Claimant notified the Department that she would be unable to submit her shelter verification on time. The Department informed the Claimant that she would be permitted to submit her shelter verification after the due date.

On June 10, 2011, a week after the due date, the Department determined the Claimant's eligibility for the Food Assistance Program (FAP) program based on the verified information that it was aware of, and determined that she was eligible for a monthly Food Assistance Program (FAP) allotment of \$52.

The Department received verification of the Claimant's shelter expenses on June 10, 2011, but her monthly allotment for the month of June had already been determined. On June 13, 2011, the Department re-determined the Claimant's eligibility for the Food Assistance Program (FAP) program and determined that she was eligible for a monthly Food Assistance Program (FAP) allotment of \$200 as of July 1, 2011.

This Administrative Law Judge finds that the note attached to the material the Claimant submitted on May 20, 2011, was a request for an extension to the due date.

The Claimant argued that she did not receive the May 23, 2011, Verification Checklist until after the due date of June 2, 2011. The Claimant submitted an envelope that has the Department's Pierson Road office as the return address, and it is postmarked in Lansing on June 2, 2011. The Claimant contacted the Department on June 3, 2011, and June 6, 2011, concerning her verification documents.

Whether the envelope submitted by the Claimant contained the May 23, 2011, Verification Checklist list is not relevant, because the Department did not determine the Claimant's eligibility for benefits at the June 2, 2011, deadline. Instead of taking action on the Verification Checklist's due date, the Department granted a second ten-day extension from the May 20, 2011, due date. Furthermore, the Claimant was aware that the Department had been requesting verification of her shelter expenses before she received the May 23, 2011, Verification Checklist. The Claimant was also aware that her previous submission was incomplete because she had informed the Department that she had submitted "most of the information requested."

The Claimant argued that she submitted the information necessary for the Department to determine her eligibility for the Food Assistance Program (FAP) on June 10, 2011, and that the Department was in possession of this information when it made an erroneous calculation of her benefits.

Based on the evidence and testimony available during the hearing, this Administrative Law Judge finds that the Claimant did not make a reasonable effort to cooperate with the Department's eligibility determination. The Claimant's employer and landlord is her father, and the Claimant did not offer evidence that she was having difficulty obtaining the verification documents from her father that the Department had requested. On June 10, 2010, the Department had sufficient information to determine the Claimant's eligibility for FAP benefit for June of 2010, and used this information to complete the Redetermination process that it had started on April 13, 2011.

On June 13, 2011, when the Department became aware that the Claimant had finally submitted the necessary verification documents, it immediately completed a new budget to determine her monthly allotment. The result of this new budget was an increase in her benefits, which went in to effect at the beginning of the following month, July 2011.

Based on the evidence and testimony available during the hearing, the Department has established that it properly determined the Claimant's eligibility for the Food Assistance Program (FAP) for June of 2010.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's Food Assistance Program (FAP) eligibility.

The Department's Food Assistance Program (FAP) eligibility determination is AFFIRMED. It is SO ORDERED.



Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 25, 2011

Date Mailed: July 26, 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:

