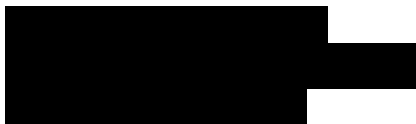


STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201141245  
Issue No: 3008, 3015  
Case No: [REDACTED]  
Hearing Date: July 26, 2011  
Kalamazoo County DHS

**ADMINISTRATIVE LAW JUDGE:** C. Adam Purnell

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the DHS client's (also referred to as "Claimant") request for a hearing received on June 1, 2011. After due notice, a telephone hearing was held on July 26, 2011. The claimant personally appeared and provided testimony.

**ISSUE**

Did the department properly close the claimant's Food Assistance Program (FAP) benefits for failure to return the required verifications?

**FINDINGS OF FACT**

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

1. Claimant was receiving FAP at all times pertinent to this hearing. (Hearing Summary).
2. On April 18, 2011, Claimant reported to the Department that he had new household income. (Hearing Summary).
3. The Department mailed Claimant a Verification Checklist (DHS-3503-C) requesting proof of income and proof of payment from 3/18/11 through April 18, 2011, among other things. The proof was due on or before April 28, 2011. (Department Exhibit 16).
4. Claimant did not return the verifications by the April 28, 2011 deadline. (Hearing Summary).
5. On April 18, 2011, Claimant indicated that his wife began working for PESG as a substitute teacher. (Department Exhibit 18).

6. On May 3, 2011, the Department mailed Claimant a Notice of Case Action (DHS-1605) closing his FAP benefits for failure to return requested verifications and, alternatively, due to excess income. (Department Exhibits 2 & 3).
7. On June 1, 2011, Claimant requested a hearing protesting the closure of his FAP benefits. (Request for a Hearing).

### **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 or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. The department's policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

The department determines a client's eligibility for program benefits based on the client's actual income and/or prospective income. Actual income is income that was already received. Prospective income is income not yet received but expected. Prospective budgeting is the best estimate of the client's future income. BEM 505.

For FAP purposes, all earned and unearned income available to the claimant is countable. Earned income means income received from another person or organization or from self-employment for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMP), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. BEM 500.

Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. BAM 130. Clients must take actions within their ability to obtain verifications and DHS staff must assist when necessary. BAM 105. Specifically, the local office must assist clients who ask for help in completing forms or gathering verifications. BAM 105 and BAM 130. The department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested verification. BAM 130. 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.

Verifications are considered timely if received by the date they are due. BAM 130. For FAP only, if the client contacts the department prior to the due date requesting an

extension or assistance in obtaining verifications, you must assist them with the verifications but do not grant an extension. BAM 130.

In the instant case, Claimant does not dispute that he failed to return the verifications timely. The Department requested that Claimant forward verification information regarding his wife's employment as a substitute teacher for PESG. Claimant testified that he and his wife were unable to obtain the requested verification information because PESG did not have the information available until May 3, 2011. There is no credible evidence that Claimant specifically requested assistance from the Department regarding the verification forms. Even if Claimant had called and requested an extension of time prior to the April 28, 2011 deadline, policy specifically prohibits the granting of extension in this circumstance. BAM 130.

Accordingly, this Administrative Law Judge finds, based on the material and substantial evidence presented during the hearing, that the department properly closed the claimant's FAP benefits for failure to timely submit the employment verification forms (DHS-38).<sup>1</sup>

### 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 Claimant's FAP eligibility.

The department's FAP eligibility determination is **UPHELD**.

It is SO ORDERED.

/s/

C. Adam Purnell  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: August 1, 2011

Date Mailed: August 1, 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.

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<sup>1</sup> Because Claimant does not dispute that he mailed the Verification Forms untimely, the Department's calculation of Claimant's household income is moot.

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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.

CAP/cr

cc:

