

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-43342

Issue No: 3008

[REDACTED]

Ingham 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 July 11, 2011. After due notice, a telephone hearing was held on August 10, 2011. Claimant personally appeared and provided testimony.

ISSUE

Did the department properly close Claimant's Food Assistance Program (FAP) benefits for failure to timely 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 June 6, 2011, the department mailed Claimant an employment verification form (DHS-38) which requested Claimant provide updated employment information no later than June 16, 2011. (Department Exhibit 5).
3. On June 15, 2011, the department sent Claimant a second DHS-38 form along with a Verification Checklist (DHS-3503) due on June 27, 2011. (Department Exhibits 5 & 6).
4. The department did not receive the DHS-38 forms or the DHS-3503 form by June 27, 2011.

5. On June 30, 2011, the department mailed the claimant a Notice of Case Action (DHS-1605), informing her that her FAP benefits would close for failure to submit the requested employment verifications. (Notice of Case Action, Department Exhibit 10).
6. On July 11, 2011, Claimant submitted a hearing request challenging the closure of her FAP benefits. (Request for a Hearing).

CONCLUSIONS OF LAW

The client has the right to request a hearing for any action, failure to act or undue delay by the department. BAM 105. The department provides an administrative hearing to review the decision and determine its appropriateness. BAM 600.

The regulations that govern the hearing and appeal process for applicants and recipients of public assistance in Michigan are contained in the Michigan Administrative Code (Mich Admin Code) Rules 400.901 through 400.951. An opportunity for a hearing shall be granted to a recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. Mich Admin Code 400.903(1).

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).

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 is disputing the department's termination of her FAP benefits for failure to provide Verification of Employment (DHS-38) forms sent to her on June 6, 2011 and June 16, 2011, respectively. When the department sent Claimant the second DHS-38 along with the DHS-3503 form on June 15, 2011, this effectively

granted Claimant additional time to secure the forms and/or see that the forms were timely sent to the department. Claimant had two separate opportunities to obtain the forms and forward them to the department before the deadline, but she failed to do so. During the hearing, Claimant testified that she gave the forms to her employer but that the secretary responsible for completing the documents was on vacation. Claimant did not contact the department and explain her situation nor did she call the caseworker to request an extension of time. However, Claimant does not dispute that she did not submit the required verification forms and related documents within either of the two 10 day deadlines.

Therefore, this Administrative Law Judge finds, based on the material and substantial evidence presented during the hearing, that the department properly closed Claimant's FAP benefits for failure to timely submit the employment verification forms and related documentation.

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 benefits for failure to timely turn in the requested verifications.

Accordingly, the department's action is AFFIRMED.

It is SO ORDERED.

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

Date Signed: 8/11/11

Date Mailed: 8/12/11

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.

CAP/ds

