

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 2011-6229

Issue No: 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

December 14, 2010

St Clair County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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. After due notice, a hearing was held on December 14, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) benefits due to her failure to provide 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 an ongoing recipient of Food Assistance Program (FAP) benefits with a certification period of April 1, 2010 till March 31, 2011.
- (2) On September 4, 2010 Claimant submitted an online application for State Emergency Relief (SER) and Food Assistance Program (FAP) benefits. Claimant indicated she had income of \$447 twice a month which had begun on March 1, 2010.
- (3) On September 8, 2010 a Verification Checklist (DHS Form 3503) was sent to Claimant with the information due on September 20, 2010.
- (4) On September 21, 2010 Claimant submitted documentation from Friend of the Court of an amended order for income withholding for support.

(5) On September 22, 2010 Claimant was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program (FAP) benefits would end on November 1, 2010 for failure to verify necessary information.

(6) On September 30, 2010 Claimant submitted a timely hearing request.

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. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this case the evidence indicates that Claimant was approved for Food Assistance Program (FAP) benefits in April 2010 when she was already receiving the income which the Department was seeking to verify in September. Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

BAM 130 VERIFICATION AND COLLATERAL CONTACTS

DEPARTMENT POLICY

All Type of Assistance (TOA)

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements.

Obtain verification when:

- Required by policy. BEM items specify which factors and under what circumstances verification is required.
- Required as a local office option. The requirement **must** be applied the same for every client. Local requirements may **not** be imposed for MA, TMA-Plus or AMP.
- Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level.

The evidence in the record does not show: that the income Claimant reported on September 4, 2010 was different than when she was found eligible in April 2010; that the policies applicable to Claimant's situation were those of a brand new application; or that the Department required another verification of the income. The Department has failed to show that their proposed action of closing Claimant's Food Assistance Program (FAP) case was correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly close Claimant's Food Assistance Program (FAP) benefits due to her failure to provide required verifications.

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is further ORDERED that Claimant's Food Assistance Program (FAP) case be reinstated and her eligibility beginning November 1, 2010 is determined in accordance with the Department policies relevant to her circumstances and status.

/s/ _____

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 28, 2010

Date Mailed: December 29, 2010

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.

2011-6229/GFH

GFH/tg

cc:

