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

IN THE MATTER OF:

████████████
████████████

Reg. No.:   2012-11505
Issue No.:   3008
Case No.:   ████████
Hearing Date: December 7, 2011
County: SSPC-EAST

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

HEARING DECISION

This matter is before the undersigned Admini strative Law Judge pursuant to MCL 400. 9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on Dece mber 7, 2011, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included ████████ Department Supervisor.

ISSUE

Due to a failure to comply with the ve rification requirements, did the Department properly ☒ deny Claimant's application ☐ close Claimant's case ☐ reduce Claimant's benefits for:

☐ Family Independence Program (FIP)?   ☐ State Disability Assistance (SDA)?
☒ Food Assistance Program (FAP)?   ☐ Child Development and Care (CDC)?
☐ Medical Assistance (MA)?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantia l evidence on the whole record, including testimony of witnesses, finds as material fact:

1. Cla imant ☒ applied for ☐ was receiving: ☐FIP ☒FAP ☐MA ☐SDA ☐CDC.

2. Cla imant ☒ was ☐ was not provided with a Verification Checklist (DHS-3503).

3. Claimant was required to submit requested verification by October 24, 2011.

4. Claimant submitted the requested proofs by the due date.

5. On November 3, 2011, the Department
   ☒ denied Claimant's application
   ☐ closed Claimant's case
   ☐ reduced Claimant's benefits
   for failure to submit verification in a timely manner.

6. On November 3, 2011, the Department sent notice of the
   ☒ denial of Claimant's application.
   ☐ closure of Claimant's case.
   ☐ reduction of Claimant's benefits.

7. On November 11, 2011, Claimant filed a hearing request, protesting the
   ☒ denial.   ☐ closure.   ☐ reduction.

CONCLUSIONS OF LAW

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

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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq*., and 1999 AC, Rule 400.3001 through Rule 400.3015.

Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 130. The questionable information might be from the client or a third party. *Id.* The Department can use documents, collateral contacts or home calls to verify information. *Id.* The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide the information should be extended at least once. BAM 130. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130.

In the present case, Claimant testified credibly that the day he received the Verification Checklist, he obtained the requested information from his employer and that the next date he went in late to work so he could obtain the requested bank information. Claimant testified that he submitted all requested proofs by mail in the pre-addressed envelope the day after he received the Verification Checklist. Based on the above discussion, I cannot find that Claimant failed to cooperate.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department
☐ properly   ☒ improperly

    ☐ closed Claimant's case.
    ☒ denied Claimant's application.
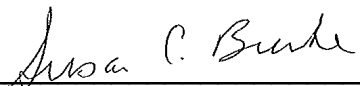   ☐ reduced Claimant's benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department
☐ did act properly.   ☒ did not act properly.

Accordingly, the Depar tment's decision is   ☐ AFFIRMED   ☒ REVERSED for the reasons stated on the record.

☒ THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate reinstatement and reprocessing of Claimant's F AP application of October 5, 2011.
2. Initiate issuance of FAP supplem ents to Claimant, October 5, 2011 and ongoing, if Claimant is found to be eligible for FAP.

_____
Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 12/15/11

Date Mailed: 12/15/11

NOTICE: Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the receipt date of this Dec ision and Orde r. MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases)

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Dec ision and Order or, if a ti mely request for rehea ring was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:

  - misapplication of manual policy or law in the hearing decision,
  - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
  - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Re consideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

SCB/sm

cc: