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

IN THE MATTER OF:



Reg. No.: 2012 21565 Issue No.: 3008, 5008 Case No.:

Hearing Date: February 1, 2012

County: Wayne County DHS (19)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9

and MCL 400.37 following Claimant's request for telephone hearing was held on February 1, 2012, on behalf of Claimant included the Claimant. Part Human Services (Department) included Worker, and FIM.	from Detroit, Michigan. Participants
Due to a failure to comply with the verification properly ☑ deny Claimant's application ☐ close C benefits for:	
Food Assistance Program (FAP)?	tate Disability Assistance (SDA)? Child Development and Care (CDC)? State Emergency Relief (SER?)
Due to a failure to comply with the verification properly ☐ deny Claimant's application ☒ close C benefits for: ☒ Food Assistance Program (FAP)?	

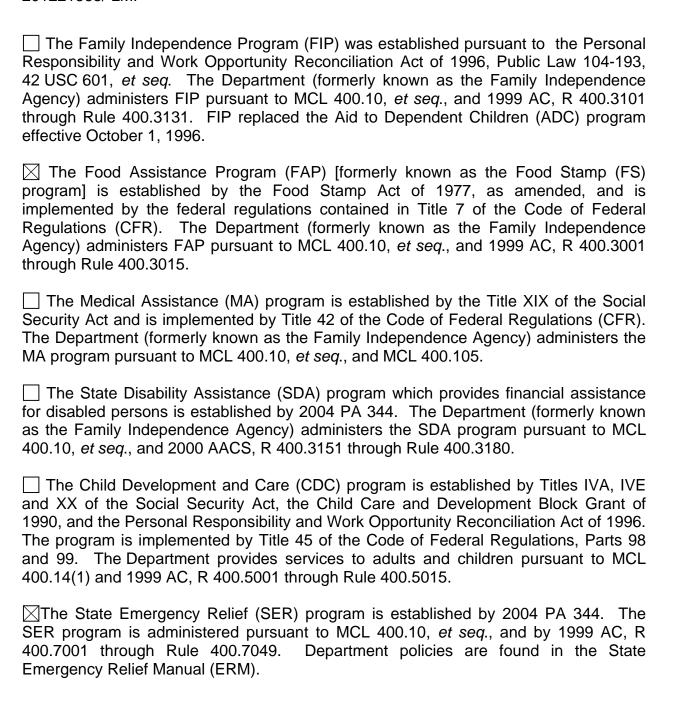
FINDINGS OF FACT

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

1.	Claimant \boxtimes applied for \square was receiving: \square FIP \square FAP \square MA \square SDA \square CDC \boxtimes SER.
2.	Claimant \boxtimes was \square was not provided with a Verification Checklist (DHS-3503).
3.	Claimant was required to submit requested verification by November 4, 2011. Exhibit 5.
4.	On November 29, 2011, the Department denied Claimant's application closed Claimant's case reduced Claimant's benefits for failure to submit verification in a timely manner.
5.	On November 29, 2011, the Department sent notice of the denial of Claimant's application. closure of Claimant's case. reduction of Claimant's benefits.
6.	Claimant was receiving : ☐FIP ☑FAP ☐MA ☐SDA ☐CDC ☐ SER.
7.	Claimant \boxtimes was \square was not provided with a Verification Checklist (DHS-3503).
8.	Claimant was required to submit requested verification by November 7, 2011. Exhibit 6.
9.	On December 1, 2011, the Department denied Claimant's application closed Claimant's Food Assistance case reduced Claimant's benefits for failure to submit verification in a timely manner.
10	On November 8, 2011, the Department sent notice of the denial of Claimant's application. closure of Claimant's case. reduction of Claimant's benefits.
11	On December 2, 2011, Claimant filed a hearing request, protesting the ⊠ denial of SER. ⊠ closure of FAP. □ 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).



Additionally, the Department sent a series of verification checklists (4) to the Claimant upon notice from the Claimant that her employment with Professional Contact Management was ending due to lay off with the close of the school year. The verification were sent as a result of Claimant's application for CDC benefits (which are not at issue in this case). The evidence presented at the hearing by the Department demonstrated that it sought on numerous occasions to verify the lay off, as well as other employment information regarding the ending of Calimant's employment with Dots but did not receive the requested verification information by any of the due dates. When the Claimant finally submitted information to the Department on November 28, 2011, it was

well after the due date. The uncontroverted evidence demonstrated that the Claimant did not timely submit the requested verifications after numerous requests. Accordingly, the Department appropriately closed the Claimant's food assistance case for failure to verifiy the requested information. BAM 130.

During the same time period the Claimant also applied for State Emergency Relief and was requested to provide various verification information by November 4, 2011. Exhibit 5. Again, although there were two requests for verification running simultaneously sent by the Department, one for food assistance and CDC assistance, and one for SER, the Department was entitled and required to seek the requested information. The Claimant did not provide the information in a timely manner and the SER application was denied. The evidence demonstrated that the Claimant did not provide the information requested by the due date. The Claimant did not demonstrate that she requested an extension or sought Department assistance. The Department is entitled to seek information so that it can properly determine eligiblity and is required to deny an application or close a case when the information is not provided, or is provided late. BAM 130. Although the Claimant submitted a good portion of the requested verification information, the information was received well after the due dates.

Based upon the evidence presented at the hearing it is determined that the Department properly denied the Claimant's SER application for failure to verify information. BAM 130.

The Claimant may reapply for food assistance, and SER, and is urged to do so.

Based upon the above Findings of Fact and Conclusions of Law, the Administrative Law Judge concludes that the Department ☐ properly ☐ improperly
☐ closed Claimant's Food Assistance case.☐ denied Claimant's SER 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 \square did act properly. \square did not act properly.
Accordingly, the Department's decision is \boxtimes AFFIRMED \square 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:

Lynn M. Ferris
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: February 3, 2012

Date Mailed: February 3, 2012

NOTICE: Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the receipt date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision 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 Decision and Order or, if a timely request for rehearing 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 <u>MAY</u> 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
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

LMF/hw

