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

IN THE MATTER OF:



Reg. No.:
2012-37652

Issue No.:
3019

Case No.:
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ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

HEARING DECISION

This matter is before the undersigned Administrative 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 April 4, 2012. Claimant pers onally appeared and provided testimony

ISSUE

Due to a failure to comply with the ve rification requirements, did the Department properly deny Claimant's Food Assistance Program (FAP) application?

FINDINGS OF FACT

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

- 1. Claimant was receiving FAP at all times pertinent to this hearing.
- 2. Claimant was provided with a New Hire Client Notice on January 4, 2012.
- 3. Claimant was required to submit requested verification by January 26, 2012.
- 4. On February 22, 2012, t he Department sent Claimant notice of the closure of Claimant's FAP benefits, effective April 1, 2012, for his failure to provide his pay stubs with the completed New Hire Client Notice.
- 5. On March 2, 2012, Claimant filed a hearing request, protesting the closure.

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 amend ed, and is implemented by the federal regulations contained in Title 7 of the Code of Feder al Regulations (CFR). The Department (formerly known as the Fam ily Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, R 400.3001 through Rule 400.3015.

The department uses the New Hire Client Notice, DHS-4635, to instruct the client in completing the New Hire Em ployment Report, and to save all pay stubs from the reported employment. The Notice also inf ormed the client that if they have already received a paycheck, they must return the pay stubs with the c ompleted form. The department sends a negative action notice when the client indicates refusal to provide a verification, or the ti me period given ha s elapsed and the client has not made a reasonable effort to provide it.

In this case, Claimant admitted that he did not return the pay stubs as indicated on the New Hire Client Notice by the due date.

Based upon the abov e Findings of Fact and Conclus ions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the D epartment properly denied Claimant's application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department properly denied Claimant's FAP application.

Accordingly, the Department's decision is AFFIRMED.

Vicki

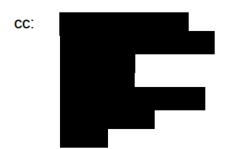
/s/ L. Armstrong Administrative Law Judge for Maura D. Corrigan, Director Department of Human Services

Date Signed: April 9, 2012

Date Mailed: April 9, 2012

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 Decision and Order or, if a ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.



VLA/ds