

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

IN THE MATTER OF:



Reg. No.: 201241322
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: April 19, 2012
County: Wayne DHS (35)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 a hearing. After due notice, a telephone hearing was held on April 19, 2012 from Detroit, Michigan. Participants on behalf of Claimant included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly denied Claimant's application dated 12/14/11 for Food Assistance Program (FAP) benefits due to Claimant's alleged failure to verify checking account information.

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On 12/14/11, Claimant applied for FAP benefits.
2. On an unspecified date, DHS processed expedited FAP benefits for Claimant.
3. On an unspecified date, DHS requested verification of Claimant's checking account balance.
4. On an unspecified date in late 1/2012 or early 2/2012, Claimant submitted a checking account statement to DHS.

5. On 2/13/12, DHS initiated termination of Claimant's FAP benefit eligibility effective 3/2012 due to the alleged failure by Claimant to submit checking account information.
6. On 3/20/12, Claimant requested a hearing to dispute the FAP benefit termination.

CONCLUSIONS OF LAW

Department policies are contained 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 Mich Admin Code, R 400.3001 through R 400.3015.

For FAP benefits, DHS is to send a negative action notice when the client indicates a refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130 at 5.

In the present case, there was a dispute over whether Claimant did or did not submit a checking account balance verification. Claimant credibly testified that he submitted a verification of his checking account balance on two occasions, including once when he signed a DHS drop-box log in either late 1/2012 or early 2/2012. The testifying DHS specialist credibly testified that she did not receive the verification. Although the testifying specialist was credible that she did not receive Claimant's submission, it is reasonably possible that DHS lost Claimant's submission prior to it making its way to the desk of the specialist. It is found that Claimant timely verified his checking account balance.

It was not disputed that Claimant's FAP benefit eligibility ended because of an alleged failure to verify checking account information. Based on the finding that Claimant verified his checking account balance, it can only be found that DHS improperly terminated Claimant's FAP benefit eligibility.

DECISION AND ORDER

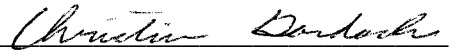
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

did not act properly in terminating Claimant's FAP benefit eligibility effective 3/2012

Accordingly, the Department's AMP FIP FAP MA SDA CDC 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. reinstate Claimant's FAP benefits effective 3/2012;
2. process Claimant's ongoing FAP benefit eligibility subject to the finding that Claimant already provided checking account information to DHS; and
3. supplement Claimant for any FAP benefits not received as a result of the improper FAP benefit termination.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 20, 2012

Date Mailed: April 20, 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 mailing 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 **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
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

