

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201246487
Issue No.: 3003
Case No.: [REDACTED]
Hearing Date: May 17, 2012
County: Wayne DHS (49)

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 May 17, 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 omitted Claimant's shelter obligation for 4/2012 due to Claimant's failure to timely and adequately verify the obligation.

FINDINGS OF FACT

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

1. Claimant was an ongoing FAP benefit recipient.
2. On 3/22/12, Claimant submitted a Shelter Verification (Exhibit 1) to DHS.
3. The 3/22/12 submitted Shelter Verification lacked a landlord address, landlord signature and signature date.
4. On 4/4/12, DHS issued Claimant's FAP benefits for 4/2012 based on a \$0/month rent obligation due to Claimant's failure to verify the obligation.
5. On 4/12/12, Claimant requested a hearing to dispute the 4/2012 FAP benefit issuance.

CONCLUSIONS OF LAW

The Food Assistance Program (formerly known as the Food Stamp 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). DHS administers the FAP pursuant to Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001-3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). Updates to DHS regulations are found in the Bridges Policy Bulletin (BPB).

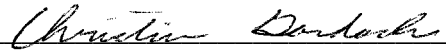
DHS is to verify shelter expenses at application and when a change is reported. BEM 554 at 11. If the client fails to verify a reported change in shelter, DHS is to remove the old expense until the new expense is verified. *Id.*

It was not disputed that DHS issued FAP benefits to Claimant for 4/2012 based on a rent obligation of \$0. DHS established that as of 4/4/12, Claimant had failed to adequately verify the obligation. Though Claimant had submitted a Shelter Verification (Exhibit 1), the verification failed to include required information including a landlord signature and signature date. Thus, DHS properly gave Claimant no credit for the rent obligation.

Claimant eventually submitted a fully-complete Shelter Verification (Exhibit 3) on 4/12/12. DHS began factoring the \$400 rental obligation in Claimant's 5/2012 FAP benefit determination. For non-income changes, DHS is to complete the FAP eligibility determination and required case actions in time to affect the benefit month that occurs ten days after the change is reported. BAM 220 at 4. After receiving the completed Shelter Verification on 4/12/12, DHS properly affected Claimant's FAP benefit issuances for 5/2012 and not for 4/2012.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly omitted a credit for rent from Claimant's 4/2012 FAP benefit determination. The actions taken by DHS are AFFIRMED.


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

Date Signed: May 21, 2012

Date Mailed: May 21, 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:

