

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

IN THE MATTER OF:



Reg. No.: 2012-48584
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: May 24, 2012
County: Oakland DHS (02)

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 24, 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], Manager.

ISSUE

The issue is whether DHS properly terminated Claimant's Food Assistance Program (FAP) benefit eligibility effective 4/2012.

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 3/2/12, DHS mailed Claimant a Verification Checklist (VCL) requesting verification of Claimant's last 30 days of income.
3. In response to the VCL, Claimant faxed to DHS 30 days of income verification on multiple occasions in 3/2012 and 4/2012.
4. On 4/13/12, DHS initiated termination of Claimant's FAP benefit eligibility effective 4/2012 due to an alleged failure to verify income.
5. On 4/18/12, Claimant requested a hearing to dispute the FAP benefit termination.

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).

The present case concerned a termination of FAP benefits. DHS contended the FAP benefit termination was effective beginning 4/2012. Claimant contended the termination began 3/2012. The parties agreed that an Eligibility Summary would settle the issue. An Eligibility Summary shows a history of FAP benefit issuances. DHS sent an Eligibility Summary which verified that Claimant received \$200 in FAP benefits for 3/2012 on 4/13/12. Because Claimant received FAP benefits for 3/2012 (albeit in 4/2012), the FAP benefit termination issue is whether DHS properly terminated Claimant's FAP benefit eligibility effective 4/2012.

DHS initially contended that Claimant failed to properly verify income. It was not disputed that DHS mailed Claimant a VCL on 3/2/12 giving Claimant until 3/12/12 to verify the income. It was also not disputed that DHS did not take action on Claimant's alleged failure to verify the income until 4/13/12 and that the effective date of termination was 4/24/12.

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. DHS initially contended that Claimant failed to meet her verification obligation. Claimant responded that her employer faxed 30 days of income verification to DHS on three occasions spanning 3/2012 and 4/2012. DHS conceded the accuracy of Claimant's testimony. DHS also subsequently conceded that Claimant timely returned sufficient income verification. Based on the DHS concessions, it is found that Claimant timely submitted income verification DHS.


It was not disputed that the FAP benefit termination was the result of Claimant's alleged failure to verify income. As it was found that Claimant timely verified her income, it is found that the FAP benefit termination was improper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly terminated Claimant's FAP benefit eligibility effective 4/2012. It is ordered that DHS:

- (1) reinstate Claimant's FAP benefit eligibility effective 4/2012;
- (2) determine Claimant's ongoing FAP benefit eligibility effective 4/2012 subject to the finding that Claimant timely verified her income; and
- (3) supplement Claimant for any FAP benefits not received as a result of the improper DHS termination.

The actions taken by DHS are REVERSED.



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

Date Signed: 5/30/12

Date Mailed: 5/30/12

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.

2012-48584/CG

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/sm

cc:

