

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

IN THE MATTER OF:



Reg. No.: 201253680
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: June 18, 2012
County: Wayne DHS (19)

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 June 18, 2012 from Detroit, Michigan. Participants included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly terminated Claimant's Food Assistance Program (FAP) benefit eligibility due to a failure to verify income.

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 4/30/12, DHS mailed Claimant a Verification Checklist (VCL) requesting 30 days of income from Claimant.
3. In response to the VCL, Claimant submitted check stubs dated 1/31/12, 2/6/12 and 3/8/12.
4. On 5/4/12, DHS initiated terminated of Claimant's FAP benefit eligibility effective 6/2012 due to Claimant's failure to submit a full 30 days of income verification.
5. On 5/15/12, 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 involved an alleged failure by Claimant to verify income for a 30 day period. It was not disputed that Claimant submitted three check stubs to DHS, for 1/31/12, 2/6/12 and 3/8/12. DHS thought that Claimant was paid weekly. Thus, DHS interpreted Claimant's failure to submit three pay stubs between 2/6/12 through 3/8/12 as a failure by Claimant to verify income.

Claimant testified that he was paid irregularly, not weekly; he did not make DHS aware of this information. Claimant also reported to DHS that he received a 2/13/12 check and that he was in the process of finding it so it could be submitted to DHS. Claimant stated he eventually realized in 6/2012 that he received a pay check on 2/28/12 rather than 2/13/12. By this point, Claimant's FAP benefit eligibility had ended, at least it would have ended had Claimant not requested that his FAP benefit eligibility remain pending the administrative hearing outcome.

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.

Claimant's testimony revealed that he made an innocent mistake concerning submission of his income verifications. Claimant made reasonable efforts to comply with the DHS request for income verification. However, Claimant was negligent in obtaining the missing income verification. DHS had sound reason to believe that Claimant failed to verify at least three pay checks. Claimant conceded to failing to verify one of the pay checks. Based on the presented evidence, DHS properly terminated Claimant's FAP benefit eligibility due to a failure by Claimant to verify income.

It should be noted that clients can always reapply for benefits following a program closure. Claimant is encouraged to reapply for FAP benefits if there is still a need for the benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's FAP benefit eligibility effective 6/2012. The actions taken by DHS are AFFIRMED.



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

Date Signed: June 25, 2012

Date Mailed: June 25, 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 to:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

