

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201253701  
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 effective 4/2012 due to an alleged failure by Claimant to verify employment.

**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. Claimant received income from two different employers.
3. Claimant reported to DHS a stoppage in income for one of her two jobs.
4. Claimant's FAP benefit eligibility was scheduled for redetermination beginning 4/2012.
5. DHS made written requests for Verifications of Employment to Claimant, but not specifically for the job which Claimant stopped.

6. On 3/20/12, DHS initiated termination of Claimant's FAP benefit eligibility due to an alleged failure by Claimant to verify employment income for her stopped employment.
7. On 5/2/12, 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).

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 terminated Claimant's FAP benefit eligibility effective 4/2012 due to an alleged failure by Claimant to verify employment for one of her two employers. Claimant responded that DHS requested verification of her employment income and that she complied with the response by submitting verification of income from her only employer. Claimant clarified that she stopped employment with a second employer in late 12/2011; thus, Claimant stated she submitted verification of the only income that she had at the time of the verification request.

The DHS specialist cited a report listing Claimant's employment income history by quarterly earnings. DHS interpreted the report as proof that Claimant did not stop employment with the second employer. The 3/9/12 dated report noted that Claimant had income in the fourth quarter of 2011 from the allegedly stopped employment. This information does not verify that Claimant's second job stopped in 2012 because it was silent on Claimant's 2012 earnings. Thus, the report cited by DHS was meaningless.

There was evidence that DHS made verification requests from Claimant, but not specifically for Claimant's second job. DHS did not present a Verification Checklist requesting verification of Claimant's second job. Had DHS done this, DHS could have established that Claimant failed to comply with a written request for verification. It would have been persuasive evidence supporting the FAP benefit termination. The failure by DHS to present such a written request tends to establish that DHS never made a specific request of Claimant to verify income from her second job.

Claimant brought phone records to the administrative hearing. Claimant verified a call made to her specialist on 3/30/12. Claimant also verified that additional calls were made in 4/2012, when Claimant's specialist was on a multiple week vacation. Claimant testified that the calls were made in response to the notice of FAP benefit termination; Claimant stated she made the calls to learn why DHS was terminating her FAP benefit eligibility. Verification of telephone calls by a client to a specialist shortly after a benefit termination is consistent with a client trying to comply with DHS regulations. Evidence of a client trying to comply with DHS regulations is mildly consistent with a client that would not have failed to submit verifications.

Some of the confusion between DHS and Claimant seemed to be whether Claimant ever reported to DHS that she stopped the second job. Claimant stated that she reported the stoppage to DHS on many occasions; the testifying specialist could not recall Claimant ever reporting the employment stoppage. Generally, clients tend to report information that increases FAP benefits. Thus, the fact that the change was an income reduction is somewhat supportive for Claimant's side.

Overall, the evidence was more supportive of finding that DHS did not appropriately request written verification of an employment stoppage prior to terminating Claimant's FAP benefit eligibility. Accordingly, the FAP benefit termination is found to be 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) process Claimant's ongoing FAP benefit eligibility, subject to the finding that DHS failed to adequately request verification of Claimant's stopped employment; and
- (3) supplement Claimant for any FAP benefits not received as a result of the improper FAP benefit termination.

The actions taken by DHS are REVERSED.



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

Date Signed: June 27, 2012

Date Mailed: June 27, 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:

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MAHS