

**STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No: 201264352
Issue No: 3008
Case No: [REDACTED]
Hearing Date: August 14, 2012
SSPC County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on . Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's May 31, 2012 Food Assistance Program (FAP) application for failure to provide required verifications?

FINDINGS OF FACT

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

1. On May 31, 2012, Claimant submitted an application for Food Assistance Program (FAP) benefits.
2. On June 14, 2012, Claimant was sent a Verification of Employment (DHS Form 38) to be filled out by her previous employer to verify the loss of that employment. The verification was due on June 25, 2012.
3. On June 26, 2012, the Department had not received verification of Claimant's loss of employment. Claimant as sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program (FAP) application was denied.
4. On July 6, 2012, Claimant submitted a request for hearing.
5. On July 12, 2012, the Department case worker contacted Claimant's previous employer and sent them a Verification of Employment (DHS Form 38) for Claimant.

6. On July 13, 2012, Claimant's previous employer submitted a completed Verification of Employment (DHS Form 38) and a statement that Claimant had resigned and never brought in a Verification of Employment (DHS Form 38) for them to complete.

CONCLUSIONS OF LAW

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 of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this case Claimant told the Department she had been fired and when she took the Verification of Employment (DHS Form 38) to her previous employer they refused to fill it out. When the Department case worker contacted the previous employer they related a very different set of circumstances. Based on the totality of the evidence in the record, and in consideration of the impact the two different circumstances would have on Claimant's eligibility, the signed statement from the previous employer's Human Resources Manager is found more credible.

Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

BAM 130 VERIFICATION AND COLLATERAL CONTACTS DEPARTMENT POLICY All Programs

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements.

Obtain verification when:

- Required by policy. BEM items specify which factors and under what circumstances verification is required.
- Required as a local office option. The requirement **must** be applied the same for every client. Local requirements may **not** be imposed for MA, TMA-Plus or AMP.
- Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level.

**Timeliness of Verifications
FIP, SDA, CDC, FAP**

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification you request.

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email or Mi Bridges document upload), the date of the transmission is the receipt date. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a DHS representative are considered to be received the next business day.

Send a negative action notice when:

- The client indicates refusal to provide a verification, **or**
- The time period given has elapsed and the client has **not** made a reasonable effort to provide it.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's May 31, 2012 Food Assistance Program (FAP) application for failure to provide required verifications.

It is ORDERED that the actions of the Department of Human Services, in this matter, are **UPHELD**.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: August 21, 2012

Date Mailed: August 22, 2012

NOTICE: Administrative Hearings 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. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

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.

GFH/tb

cc:

