

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-6642
Issue No.: 1017; 3008
Case No.: [REDACTED]
Hearing Date: November 23, 2011
County: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 November 23, 2011, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED]

ISSUE

Was the Department correct in its denial of Claimant's Family Independence Program (FIP) application due to excess income?

Due to a failure to comply with the verification requirements, did the Department properly close Claimant's case for the Food Assistance Program (FAP)?

FINDINGS OF FACT

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

1. Claimant applied for: FIP FAP MA SDA CDC.
2. Claimant's income at the time of the FIP application was \$2,576.00 per month.
3. On August 9, 2011, the Department denied Claimant's FIP application.

4. Claimant applied for was receiving: FIP FAP MA SDA CDC.
5. Claimant was was not provided with a Verification Checklist (DHS-3503).
6. Claimant was required to submit requested verification by September 22, 2011.
7. Claimant received the Verification Checklist on September 20, 2011 and left a phone message with his Department worker requesting clarification on the required proofs.
8. The Department worker did not return Claimant's call prior to the due date.
9. On November 1, 2011, the Department
 - denied Claimant's application
 - closed Claimant's FAP case
 - reduced Claimant's benefitsfor failure to submit verification in a timely manner.
10. On October 10, 2011, the Department sent notice of the
 - denial of Claimant's application.
 - closure of Claimant's FAP case.
 - reduction of Claimant's benefits.
11. On October 13, 2011, Claimant filed a hearing request, protesting the
 - denial of the FIP benefits and closure of the FAP case.

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

FIP

The Family Independence program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM), which includes the Reference Tables (RFT.)

BEM 515 dictates: The certified group must be in financial need to receive benefits. Need is determined to exist when budgetable income is less than the payment standard established by the Department. BEM 515, p. 1.

The FIP Monthly Assistance Payment Standard for a group size of five is \$694.00. RFT 210.

In the present case, since Claimant's monthly income of \$2,576.00 exceeds the standard amount of \$694.00 for a group size of five, the Department was correct in denying Claimant's application for FIP.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

properly improperly

- closed Claimant's case.
- denied Claimant's FIP application.
- reduced Claimant's benefits.

FAP

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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3001 through Rule 400.3015.

Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 130. The questionable information might be from the client or a third party. *Id.* The Department can use documents, collateral contacts or home calls to verify information. *Id.* The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide the information should be extended at least once. BAM 130. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130.

BAM 105 instructs the Department to protect client rights.

In the present case, Claimant testified credibly that he received a verification checklist two days prior to the due date for proofs requested. Claimant needed clarification as to the necessary documentation so he attempted to contact his worker, leaving at least one voice mail message for his worker. The worker did not return his call prior to the due date. Claimant did not submit the information by the due date because he did not know what to submit. The Department then closed Claimant's FAP case. I cannot find that Claimant failed to cooperate, as he did attempt to comply with the verification requirements. On the other hand, the Department did not protect Claimant's rights when it did not return Claimant's phone call in a timely manner.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

properly improperly

- closed Claimant's FAP case.
- denied Claimant's application.
- reduced Claimant's benefits.

DECISION AND ORDER

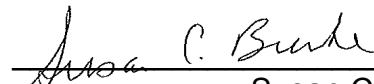
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

did act properly with respect to FIP and did not act properly with respect to FAP.

Accordingly, the Department's decision is AFFIRMED with respect to FIP and REVERSED with respect to FAP for the reasons stated within the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate reinstatement of Claimant's FAP case, effective November 1, 2011, if Claimant is otherwise eligible for FAP.
2. Initiate issuance of FAP supplements to Claimant, November 1, 2011 and ongoing, if Claimant is otherwise eligible for FAP.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 12/1/11

Date Mailed: 12/1/11

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 receipt 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
Re consideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

SCB/sm

cc:

