

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201268205
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: September 6, 2012
County: Wayne DHS (76)

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 September 6, 2012 from Detroit, Michigan. Participants included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED] Supervisor.

ISSUE

The issue is whether DHS properly terminated Claimant's Food Assistance Program (FAP) benefit eligibility due to an alleged failure to verify stopped employment income for her son.

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's son was part of Claimant's FAP benefit group.
3. On an unspecified date, Claimant reported to DHS that her son ended his restaurant employment.
4. On 7/13/12, DHS requested verification of Claimant's son's stopped employment.
5. DHS gave Claimant until 7/23/12 to verify the stopped employment.

6. On an unspecified date, Claimant reported to DHS that she was unable to verify her son's stopped employment despite efforts by Claimant to verify the employment income stoppage.
7. On an unspecified date, Claimant reported to DHS that her best efforts to verify her son's stopped employment included: calling her son's former employer, going to the location of her son's former employer and calling the headquarters of her son's former employer.
8. On 7/27/12, DHS initiated termination of Claimant's FAP benefit eligibility effective 8/2012 due to a failure by Claimant to verify her son's stopped employment income.
9. On 8/1/12, 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).

DHS is to verify income at application and at redetermination. BEM 505 (10-2010), p 11. DHS is to verify changes that result in a benefit increase or when change information is unclear, inconsistent or questionable. *Id.* DHS is to use the DHS-3503, Verification Checklist to request verification. BAM 130 (5-2012), p. 3. DHS must give clients at least ten days to submit verifications. *Id.* DHS must tell the client what verification is required, how to obtain it, and the due date. *Id.* at 2. For FAP benefits, DHS is to 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. (*Id.*, p. 5.)

The present case concerns a failure by DHS to redetermine Claimant's FAP benefit eligibility based on an alleged failure by Claimant to verify her son's stopped employment income. It was not disputed that DHS met their procedural requirements in requesting the verification. It was also not disputed that Claimant failed to verify her son's stopped employment income. Claimant contended that she made her best efforts in verifying the stopped employment income but her son's former employer was uncooperative.

The client must obtain required verification, but DHS must assist if a client needs and requests help. *Id.*, p. 3. If neither the client nor DHS can obtain verification despite a reasonable effort, DHS is to use the best available information. *Id.*

Claimant provided fairly detailed testimony concerning her attempts to obtain a verification of her son's stopped employment. Claimant stated that she called her son's former employer. Claimant stated that she went to the location of her son's former employer. Claimant stated that staff persons of her son's former employer referred her to the company's corporate headquarters. Claimant stated that she was told by one or more persons that they could not provide her with verification of stopped employment because it had been several months since her son had worked there. Claimant's testimony was reasonably believable and detailed.

Claimant stated that she reported her difficulties to her specialist. DHS failed to present any contrary evidence to Claimant's testimony as Claimant's former specialist was not available to testify.

Based on the presented evidence, it is found that Claimant made reasonable efforts to verify her son's stopped employment income. Claimant's efforts should have been documented and sufficed as the best available documentation. As the FAP benefit termination found that Claimant failed to use reasonable efforts in verifying the stopped employment income, 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. It is ordered that DHS:

- (1) redetermine Claimant's FAP benefit eligibility effective 8/2012 subject to the finding that Claimant made reasonable efforts to verify her son's stopped employment income; and
- (2) supplement Claimant for any FAP benefits not received as a result of the failure by DHS to redetermine Claimant's FAP benefit eligibility.

The actions taken by DHS are REVERSED.



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

Date Signed: September 12, 2012

Date Mailed: September 12, 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 at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

