

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201269192
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: September, 10, 2012
County: Wayne DHS (31)

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, 10, 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) eligibility due to a failure by Claimant to verify employment 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. Claimant was part of a FAP benefit group that also included her adult daughter.
3. Claimant's daughter received ongoing employment income.
4. During the most recent FAP benefit redetermination process, Claimant failed to report employment income for her daughter.
5. DHS subsequently learned that Claimant's daughter received employment income.

6. DHS subsequently requested verification of Claimant's daughter's employment income.
7. In response to the DHS request, Claimant submitted an uncompleted Verification of Employment with a note referring DHS to a website which the income information could be accessed.
8. DHS attempted to access the income information from the provided website but was unable to do so.
9. On 7/9/12, DHS mailed Claimant another request for income information for her daughter.
10. Claimant was given until 7/19/12 to respond.
11. Claimant failed to respond to the DHS request.
12. On 7/24/12, DHS initiated termination of Claimant's FAP benefit eligibility effective 9/2012 due to an alleged failure to verify her daughter's employment income.
13. On 8/8/12, 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).

DHS is to verify income at application and at redetermination. BEM 505 (10-2010), p 11. 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.*, p. 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.)

If neither the client nor DHS can obtain verification despite a reasonable effort, DHS is to use the best available information. *Id.*, p. 3. If no evidence is available, DHS is to use best judgment. *Id.*

The present case concerns a FAP benefit closure based on Claimant's failure to verify her daughter's employment income. It was not disputed that Claimant failed to provide DHS with her daughter's employment income information. It is disputed whether Claimant made reasonable efforts to provide DHS with the information.

Claimant stated that she received a Verification of Employment from DHS and took the form to Claimant's daughter's employer for completion. Claimant testified that she was advised by her daughter's employer that employee information was accessible via a website. The website link was written on the Verification of Employment and returned to DHS. DHS testified that unsuccessful efforts were made to access the website, leaving DHS with no income information for Claimant's daughter.

Claimant's efforts to contact her daughter's employer and subsequent document submission referring DHS to a website establish some efforts by Claimant in complying with the DHS verification request. This evidence is supportive in finding that the FAP benefit termination was improper.

Other evidence is less supportive of Claimant. It was not disputed that Claimant failed to report her daughter's employment to DHS. DHS only knew of the income from their own internal reports. The present case is not specifically concerned with Claimant's veracity in reporting, but a failure to report income is supportive of a finding that reasonable efforts were not made in providing DHS with requested income information.

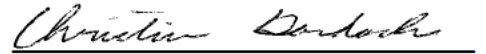
It is also problematic for Claimant that she made no efforts other than informing DHS that her daughter's employment information was accessible online. Claimant or her daughter could have attempted to obtain the information online, but there was no evidence of any such attempts. Claimant also failed to respond to a second verification request for the income information after DHS was unsuccessful in accessing the information.

Based on the presented evidence, it is found that Claimant failed to use her reasonable efforts in verifying her daughter's employment income. As it was not disputed that the DHS termination was based on Claimant's failure to verify her daughter's employment income, it is found that DHS properly terminated Claimant's FAP benefit eligibility, effective 9/2012.

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 9/2012 due to Claimant's failure to comply with verification requirements.

The actions taken by DHS are AFFIRMED.


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

Date Signed: September 19, 2012

Date Mailed: September 19, 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:

