

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

IN THE MATTER OF:



Reg. No: 201237343
Issue No: 3008
Case No: [REDACTED]
Hearing Date: April 4, 2012
SSPC-West

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 following Claimant's request for a hearing. After due notice, a telephone hearing was held on April 4, 2012. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) case beginning March 1, 2012, because he failed to provide required verifications?

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, and began receiving, expedited Food Assistance Program (FAP) benefits.
2. On January 23, 2012 Claimant was sent a Verification Checklist (DHS-3503). The required verifications were due on February 2, 2012.
3. On February 15, 2012, the Department had not received the required verifications. The Department closed Claimant's Food Assistance Program (FAP) case for failure to submit required verification in a timely manner. Claimant was sent notice of the closure.
4. On February 27, 2012, Claimant filed a hearing request.

CONCLUSIONS OF LAW

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

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 1997 AACR 400.3001-3015

In this case Claimant does not dispute that he did not send all the required verifications to the SSPC. Claimant asserts that he had submitted most of the required verifications to the DHS Walled Lake Office and that the SSPC could have, and should have, gotten them from that office. Department policy clearly states that an applicant has the responsibility to provide requested verifications. Department policy does require that assistance be provided in obtaining verifications if requested. The DHS case worker who handled this application did contact the Walled Lake worker and inquired about verifications submitted by Claimant. The DHS case worker who handled this application was told that the Walled Lake case worker did not have verifications from Claimant.

Claimant disputes the truth of what the DHS case worker who handled this application was told. However, the requirement of DHS policy to assist was provided by the contact alone. Department policy does not require the DHS case worker who handled this application to go beyond what she did. A detailed analysis of the evidence presented, applicable Department policies, and reasoning for the decision are contained in the recorded record. During the hearing Claimant was informed of the decision and the reasoning behind the decision.

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 of Human Services properly closed Claimant's Food Assistance Program (FAP) case beginning March 1, 2012, because he failed 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 Corrigan, Director
Department of Human Services

Date Signed: April 9, 2012

Date Mailed: April 9, 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

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reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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:

