

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201253690
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: June 18, 2012
County: Wayne DHS (19)

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 June 18, 2012 from Detroit, Michigan. Participants included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist, and [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly terminated Claimant's Food Assistance Program (FAP) eligibility due to an alleged failure to verify stopped employment for Claimant's 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. On 4/6/12, DHS mailed Claimant a Verification Checklist (VCL) (Exhibit 1) requesting verification of: checking account information, 30 days of income and stopped employment income for Claimant's son.
3. The VCL gave Claimant until 4/16/12 to timely return the requested verifications.
4. On 4/18/12 DHS initiated termination of Claimant's FAP benefit eligibility due to the failure by Claimant to return requested verifications (see Exhibit 2).

5. On 4/24/12, Claimant submitted all requested items to DHS.
6. DHS did not stop the pending termination of Claimant's FAP benefit eligibility.
7. On 4/30/12, Claimant's FAP benefit eligibility stopped due to an alleged failure to verify any of the items listed on the VCL dated 4/6/12.
8. On 5/16/12, 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).

For FAP benefits, DHS is to send a negative action notice when the client indicates a refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130 at 5.

In the present case, DHS requested three verifications from Claimant via VCL: a checking account balance, 30 days of income verification for Claimant and verification of stopped employment for Claimant's son. It was not disputed that the DHS request was relevant for Claimant's FAP benefit eligibility. It was not disputed that Claimant failed to meet the 4/16/12 VCL due date. Accordingly, DHS appropriately initiated termination of Claimant's FAP benefit eligibility on 4/18/12.

Timely notice is given for a negative action unless policy specifies adequate notice or no notice. BAM 220 at 4. A timely notice is mailed at least 11 days before the intended negative action takes effect. The action is pended to provide the client a chance to react to the proposed action. *Id.* Bridges automatically calculates the negative action date. *Id.* at 9. The negative action date on Bridges is the day after the timely hearing request date on the Bridges notice of case action. *Id.*


As indicated above, DHS mails clients a timely notice of termination (i.e. a pended termination) to give clients time to react to the proposed action. In this case, Claimant responded to the 4/18/12 notice of FAP benefit termination by submitting all of the previously requested items to DHS on 4/24/12. Claimant's compliance with the VCL on 4/24/12 should have resulted in a stoppage of the FAP benefit termination because the compliance occurred prior to the 4/30/12 effective date of the DHS action. Despite Claimant's compliance, DHS did not stop the FAP benefit termination. Accordingly, it is found that DHS erred in terminating Claimant's FAP benefit eligibility.

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 eligibility for FAP benefits. It is ordered that DHS:

- (1) reinstate Claimant's FAP benefit eligibility effective 5/2012;
- (2) process Claimant's ongoing FAP benefit eligibility subject to the finding that Claimant timely submitted all necessary verifications for FAP benefit eligibility; and
- (3) supplement Claimant for any FAP benefits not received as a result of the improper termination.

The actions taken by DHS are REVERSED.


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

Date Signed: June 25, 2012

Date Mailed: June 25, 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.

201253690/ CG

Request must be submitted through the local DHS office or directly to MAHS by mail to:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

