

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201262036  
Issue No.: 3008  
Case No.: [REDACTED]  
Hearing Date: August 1, 2012  
County: SSPC East (98)

**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 August 1, 2012 from Detroit, Michigan. Participants included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Manager.

**ISSUE**

The issue is whether DHS properly denied Claimant's application for Food Assistance Program (FAP) benefits due to Claimant's failure to submit self-employment documentation.

**FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On 6/4/12, Claimant applied for FAP benefits.
2. Claimant reported to DHS that he was self-employed and received \$90 in the three prior months.
3. DHS processed Claimant's FAP benefit eligibility for 6/2012 but suspended further benefit issuances, pending the return of verification forms.
4. On 6/4/12, DHS mailed Claimant a Verification Checklist requesting the completion and return of three self-employment forms.

5. The self-employment forms were each two pages long, the second page requiring a signature.
6. Claimant timely returned one of the three forms, but failed to return the signature page.
7. On 6/25/12, DHS denied Claimant's FAP benefit eligibility for 7/2012 due to the failure to sign and return a self-employment form.
8. On 7/2/12, Claimant requested a hearing to dispute the denial of FAP benefit eligibility.

### **CONCLUSIONS OF LAW**

Department policies are contained 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 Mich Admin Code, R 400.3001 through R 400.3015.

A request for program benefits begins with the filing of a DHS-1171 or other acceptable form. BAM 110 at 1. Before processing an application, DHS may require a client to verify information within their application. Verification is usually required at application. BAM 130 at 1. DHS must give clients at least ten days to submit verifications. *Id.* Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. *Id.* DHS must tell the client what verification is required, how to obtain it, and the due date. *Id.* at 2. DHS is to use the DHS-3503, Verification Checklist to request verification. *Id.* at 3. For FAP and FIP 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.

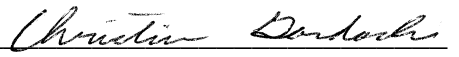
It was not disputed that Claimant applied for FAP benefits, received a Verification Checklist concerning self-employment income and failed to return the signature page of the self-employment form. Claimant conceded all facts and explained that he mistakenly failed to return the requested self-employment form in its entirety. Claimant's testimony was exceptionally sincere.

A signature page is a crucial page of a document. The signature is a way of validating the document. It is found that Claimant's failure to submit a page of a document requiring a signature is an error that DHS must factor in the benefit decision. It is found

that DHS properly denied Claimant's FAP benefit eligibility for 7/2012 due to Claimant's innocent mistake.

**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 7/2012. The actions taken by DHS are AFFIRMED.

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

Date Signed: August 2, 2012

Date Mailed: August 2, 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 to:

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

CG/hw

cc:

