

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

IN THE MATTER OF:



Reg. No.: 201265104
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: August 16, 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 16, 2012 from Detroit, Michigan. Participants included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Manager and [REDACTED], Specialist.

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 6/19/12, Claimant applied for FAP benefits.
2. Claimant reported to DHS that he was self-employed by performing odd jobs.
3. DHS processed Claimant's FAP benefit eligibility for 6/2012 and 7/2012 but suspended further benefit issuances, pending the return of verification forms.
4. On 6/21/12, DHS mailed Claimant a Verification Checklist requesting the completion and return of a self-employment form.

5. Claimant timely returned the first page of a self-employment form, but failed to return the second page of the form.
6. On 7/9/12, DHS denied Claimant's FAP benefit eligibility for 8/2012 due to Claimant's failure to return the complete self-employment form.
7. On 7/18/12, Claimant requested a hearing to dispute the denial of FAP benefit eligibility.

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).

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 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, received a two page self-employment income form and returned one page of the self-employment form to DHS. It should be noted that the first page of the self-employment form addresses income information and the second page addressed expenses and requires a client date and signature.

Claimant initially testified that he sent DHS the missing signature page of the self-employment form after he was notified of the FAP benefit termination. The issue may be relevant because DHS may have been required to reinstate Claimant's FAP benefit eligibility if the missing form was returned even after the Verification Checklist due date. Based on Claimant's testimony, it was clear that he sent in the form to request a hearing, not the missing signature page from the self-employment income form.

A signature on a document validates the information within a document and is proof that the signer affirms the information contained on the document. A document lacking the signature is severely flawed. Claimant's failure to provide DHS with a signature page is a critical error and justified the DHS belief that Claimant failed to comply with the verification submission obligation. Accordingly, it is found that DHS properly denied Claimant's FAP benefit eligibility for 8/2012 and ongoing months. As discussed during the hearing, Claimant may always reapply for FAP benefits if there is an ongoing need.

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 8/2012 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: August 17, 2012

Date Mailed: August 17, 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:

201265104/CG

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

CG/hw

cc:

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