

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201268248
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: September 6, 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 September 6, 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 denied Claimant's application for Food Assistance Program (FAP) benefits due to alleged failures by Claimant to verify information.

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 6/21/12, Claimant applied for FAP benefits.
2. Claimant reported to DHS that she was homeless and had no fixed address.
3. On 7/17/12, DHS denied Claimant's application for an alleged failure to verify stopped employment and/or some issue involving group composition.
4. On 7/30/12, Claimant requested a hearing to dispute the FAP application denial.

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).

The present case concerned a FAP benefit application denial. The testifying DHS specialist stated that the application was denied due to a failure by Claimant to verify stopped employment. DHS also alleged that the application was denied for a second issue involving either residency and/or group composition.

A request for program benefits begins with the filing of a DHS-1171 or other acceptable form. BAM 110 (5/2012), p. 1. Before processing an application, DHS can require a client to verify information within their application. Verification is usually required at application. BAM 130 (5/2012), p. 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. DHS is to verify income that stopped within the 30 days prior to the application date, or while the application is pending before certifying the group. BEM 505 (10/2011), p. 11.

Looking at the issue of the alleged failure by Claimant to verify stopped income, DHS could not state what employment was not verified or when the employment stopped. DHS failed to produce a Verification Checklist justifying the request. At one point during the hearing, DHS conceded that Claimant's verification of stopped employment was received by DHS, possibly in an untimely fashion. DHS could not verify when the verification was received. The DHS evidence supporting the application denial for a failure to verify stopped employment income was overwhelmingly underwhelming. It is found that DHS failed to establish a basis for an application denial based on a failure by Claimant to verify stopped employment.

For all programs, a person must be a Michigan resident. BEM 220 (1/2012), p. 1. For FAP benefits, DHS is to verify that the individual lives in the area that the DHS office serves. *Id.*, p. 5. DHS is to not deny benefits to an individual with no permanent address solely for lack of a verified address. *Id.*

DHS also alleged some failure by Claimant to verify residency and/or group composition. The testifying specialist noted that a conversation between a specialist and Claimant's mother supposedly resulted in a statement by Claimant's mother that Claimant lived with mom. DHS also alleged that Claimant's application did not list a residential address with her mother. DHS gave muddled reasoning justifying the

relevance of Claimant's reported residential address. DHS implied that the FAP application denial was justified because either Claimant misrepresented where she lived or who she lived with on her benefit application. Setting aside the major hearsay problem with the DHS reliance on the alleged statement by Claimant's mother, DHS established no legitimate basis for the denial.

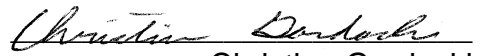
If the basis for denial was based on a failure to verify residency, Claimant stated that she verified her residency to DHS by producing her State of Michigan identification. Claimant produced the identification at the hearing; the identification verified an address that was different from her mother's address. There may have been reason for DHS to be skeptical of Claimant's reported residential address, but Claimant provided evidence which should have resolved the issue. Claimant consistently maintained that she was homeless and living from place-to-place. The only document that DHS had available for the hearing was a Filing Form which verified that Claimant listed a mailing address and no residential address. DHS should not be relying on a hearsay conversation as conclusive proof of Claimant's residential address while ignoring all other evidence to the contrary. It is found that DHS failed to establish a basis for a FAP benefit denial based on residency and/or group composition issues. Based on the above findings, DHS failed to establish a proper basis to deny Claimant's FAP benefit application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application for FAP benefits. It is ordered that DHS:

- (1) reinstate Claimant's application for FAP benefits dated 6/21/12; and
- (2) process Claimant's application subject to the findings that Claimant is homeless and that Claimant verified stopped employment income.

The actions taken by DHS are REVERSED.


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

Date Signed: September 12, 2012

Date Mailed: September 12, 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:

