

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

IN THE MATTER OF:

[REDACTED]

Reg. No: [REDACTED]  
Issue No: 3008  
Case No: [REDACTED]  
Hearing Date:  
November 30, 2011  
[REDACTED]

**ADMINISTRATIVE LAW JUDGE:** [REDACTED]

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received on October 24, 2011. After due notice, a telephone hearing was held on November 30, 2011. Claimant appeared and provided testimony.

**ISSUE**

Whether the Department of Human Services (department) properly closed Claimant's Food Assistance Program (FAP) benefits for failure to return the required verification?

**FINDINGS OF FACT**

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

1. Claimant was receiving FAP benefits at all times pertinent to this hearing.
2. Claimant's eligibility for the FAP program came due for a redetermination during the month of September 2011. A Redetermination packet (DHS-1010) was mailed to Claimant on September 14, 2011 informing Claimant of her obligation to complete and return the form to the department by October 4, 2011, the date of her scheduled telephone interview. (Department Exhibits 7-11)
3. Claimant attended the scheduled interview on October 4, 2011, at which time the department requested verification of the checking account of Claimant's group member. (Department Exhibit 10).

4. On October 14, 2011, the department mailed Claimant a Verification Checklist (DHS 3503), requesting that Claimant provide verification of her group member's checking account. In doing so, the department advised Claimant that her failure to provide the requested information by October 24, 2011 may result in the denial, decrease, or cancellation of her benefits. (Department Exhibits 1-2)
5. On October 14, 2011, the department also mailed Claimant a Notice of Case Action (DHS 1605), informing her that, effective November 1, 2011, her FAP benefits were being closed due to her failure to provide the required verifications. (Department Exhibits 3-6)
6. On October 21, 2011, Claimant requested a hearing contesting the department's closure of her FAP benefit case.

### **CONCLUSIONS OF LAW**

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1)

Clients have the right to contest a department decision affective eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

The Food Assistance Program (FAP) was established pursuant to 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 of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.30001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department policy indicates that clients must cooperate with the local office in determining initial and ongoing eligibility with all programs. BAM 105. This includes completion of the necessary forms. Clients who are able to but refuse to provide necessary information or take a required action are subject to penalties. BAM 105. Clients must take actions within their ability to obtain verifications. BAM 130; BEM 702. Likewise, DHS local office staff must assist clients who ask for help in completing forms. BAM 130; BEM 702; BAM 105.

Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. BAM 130. The department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested verification. BAM 130. If the client is unable to provide the

verification despite a reasonable effort, the department must extend the time limit at least once. BAM 130. For MA, if the client cannot provide the verification despite a reasonable effort, the time limit is extended up to three times. BAM 130. Should the client indicate a refusal to provide a verification or, conversely, if the time period given has elapsed and the client has not made a reasonable effort to provide it, the department may send the client a negative action notice. BAM 130. (Emphasis added).

In the instant case, Claimant is disputing the department's termination of her FAP benefits for failure to provide the requested verification. At the hearing, Claimant testified that she did not receive the Verification Checklist but she did receive the Notice of Case Action, both of which were issued at the same time. Moreover, the department did not have any information in Claimant's file indicating that the Verification Checklist was returned as undeliverable. The proper mailing and addressing of a letter creates a presumption of receipt. That presumption may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976). At the hearing, the department representative testified that Claimant did ultimately provide the requested verification on November 8, 2011, after the department had already closed Claimant's FAP case.

The Administrative Law Judge finds that based on the material and substantial evidence presented during the hearing, Claimant has failed to credibly rebut the presumption that she received the department's Verification Checklist. Moreover, it is undisputed that Claimant did ultimately provide the department with the requested verification on November 8, 2011, well after the October 24, 2011 submittal deadline. The Administrative Law Judge therefore finds that the department acted in accordance with policy in closing Claimant's FAP benefits case for failure to return the required verification.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly closed Claimant's FAP benefits case for failure to return the required verification.

Accordingly, the department's determination is UPHeld. IT IS SO ORDERED.

/s/ \_\_\_\_\_  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: \_\_\_\_\_

Date Mailed: \_\_\_\_\_

**NOTICE:** The 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.

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.

SDS/sc

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