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

IN THE MATTER OF:



Reg. No.: 2013-17594

Issue No.: 3008

Case No.:

Hearing Date: March 25, 2013 County: Wayne (76)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on March 25, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claim ant. Participants on behalf of the Department of Human Services (Department) included Assistance Payment Worker.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case based on Claimant's failure to verify requested information?

FINDINGS OF FACT

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

- Claimant was an ongoing recipient of FAP benefits.
- 2. On November 8, 201 2, the Dep artment sent Claiman t a Wage Match Clie nt Notice seeking verification of Claimant's employment at (Exhibit 1).
- 3. The completed Wage Match form or pay stubs for the 30 days prior were due to the Department by December 10, 2012.

- 4. The Depar tment concluded that the documentation Claimant submitted on November 9, 2012 was insufficient.
- 5. On December 12, 2012, the Department sent Claimant a Notice of Case Action informing him that his FAP cas e would be closing effective January 1, 2013 because he had failed to provide requested information. (Exhibit 3).
- 6. On December 17, 2012, Claimant filed a hearing request disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained in the Br idges 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 amend ed, and is implemented by the federal regulations contained in Title 7 of the Code of Feder al Regulations (CFR). The Department (formerly known as the Fam ily Independence Agency) administers FAP pursuant to MCL 400.10, et seq., and Mich Admin Code, R 400.3001 through R 400.3015.

Additionally, the Department routinely ma tches recipient employment data with the Michigan Department of Ener gy, Labor & Economic Growth Unemployment Insurance Agency (UIA) through computer data exc hange processes. These data exc hanges assist in the identification of potential current and p ast employment income. BAM 802 (December 1, 2011), p 1. When there is a discrepancy bet ween the wage match information and the client's work history st ated on an application or other information in the client's case record, the Department must request verification from the client by sending a Wage Match Client Notice (DHS-4638). BAM 802, p. 2. If verifications are not returned by the 30th day, the case will close for a minimum of 30 days after appropriate actions are taken in the Depart ment's system unless the client returns verifications. BAM 802, p 2.

In this cas e, the Department learned purs—uant to a wage match that Claimant had unreported income from

Department sent Claimant a Wage Match Clie—nt No tice seekin g verification of his employment at

Claim ant was r—equired to return the Wage Match form completed by his employer or provide the Department by December 10, 2012 (Exhibit 1). At the hearing, the Department—testified that Cla imant did not provide the W—age Match form completed by his employer, nor did he—submit paystubs from the last 30 days by the deadline of December 10, 2012. As a result, the Department sent Claimant a Notice

of Case Action on December 12, 2012 inf orming Claimant that his FAP c ase would close effective January 1, 2013 for failure to provide required verifications. (Exhibit 3).

Claimant confirmed that he received t he Wage Match C lient Notic e requesting verification of employment. Claimant stated that he was no longer employed at and that he had not been employed there s ince July 23, 2012. In response to the Wage Match, Claimant appeared at the Depar tment's local office on November 9, 2012 and dropped off the Wage Match form, which he completed, along with a letter stating that he was laid off from Tranor, and did not have pay checks for the 30 days pr ior to the November 8, 2012 W age Match. (Exhibit 2). Claimant credibly testified that he made attempts to contac t the Department regarding the Wage Match and the information he was required to submit, and he received no communication from the Department between the time he dro pped off the Wage Match form and letter on November 9, 2012 and the date the Notice of Case Action was sent on December 12, 2012 to inf orm him that what he submitte d was not sufficient. The Department was unable to refute this testimony or to pr ovide any additional information on whethe r someone from the Department contacted Claimant between November 9, 2012 and the date the Notice of Case Action was sent on December 12, 2012.

Additionally, Claimant informed the Department that he had been laid off for four months and that he did not have pay stubs from the last 30 days. The Department did not respond to Claimant's communications and did not identify any other forms of verification Claimant could submit. The Diepartment may close a Claimant's FAP case for failure to provide requested vierifications if the time period to return the verification has lapsed **and** the client has not made a reasonable effort to provide it. BAM 130 (May 1, 2012), p. 5. Under the facts in this case, Claimant made a reasonable effort to provide the information request ed by the Department. BAM 130, p. 5. Thus, the Department did not act in a ccordance with Department policy when it closed Claimant's FAP case for failure to provide requested verification.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the D epartment did not act in accordance with Department policy when it closed Claimant's FAP cases for failure to verify requested information. Therefore, the Department's FAP decision is REVERSED.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Claimant's FAP c ase effective Januar y 1, 2013 in accordance with department policy; and

 Begin issuing supple ments to Claimant for any FAP benefits that he was entitled to receive but did not from January 1, 2013, ongoin g, if otherwise eligible and qualified.

Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 3, 2013

Date Mailed: April 3, 2013

NOTICE: Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely 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 <u>MAY</u> 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 affect the substantial rights of the claimant:
 - 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

Re consideration/Rehearing Request P. O. Box 30639
Lansing, Michigan 48909-07322

ZB/cl

cc: