

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

**IN THE MATTER OF:**



Reg. No.: 201326820  
Issue No.: 1000/3008  
Case No.: [REDACTED]  
Hearing Date: February 27, 2013  
County: SSPC WEST

**ADMINISTRATIVE LAW JUDGE:** Gary F. Heisler

**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. After due notice, a hearing was held on February 27, 2013. Claimant appeared and testified. In accordance with the Notice of Hearing sent out, when Claimant had not been contact within 30 minutes of the scheduled hearing time he called in. Department of Human Services (Department) representatives failed to appear.

**ISSUE**

Did the Department of Human Services properly deny Claimant's December 14, 2012 application for Food Assistance Program (FAP) benefits?

**FINDINGS OF FACT**

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

- (1) On December 14, 2012, Claimant submitted an online application for Medical Assistance (MA), Food Assistance Program (FAP) and "Cash" benefits.
- (2) On December 18, 2012, Claimant participated in a telephone interview with a DHS case worker. See Department exhibit 5.
- (3) On December 18, 2012, following the telephone interview, Claimant was determined not eligible for Family Independence Program (FIP) or State Disability Assistance (SDA) benefits so his application for "Cash" benefits was denied. It was also determined that the only type of Medical

Assistance (MA) Claimant would only be eligible for was the Adult Medical Program (AMP). The Adult Medical Program (AMP) was closed to new enrollment so Claimant's application for Medical Assistance (MA) was also denied. See Department exhibit 5.

- (4) On December 18, 2012, Claimant was approved for Expedited Food Assistance Program (FAP) benefits. Claimant was sent a Verification Checklist (DHS Form 3503) requesting verification of contributions from [REDACTED] and [REDACTED] that Claimant had reported. The verification was due back on December 28, 2012.
- (5) On January 16, 2013, Claimant was sent a Notice of Case Action (DHS-1605) which stated his Food Assistance Program (FAP) application had been denied.
- (6) On January 25, 2013, Claimant submitted a request for hearing.
- (7) On February 8, 2013, Michigan Administrative Hearing System (MAHS) issued an Order of Dismissal regarding the Adult Medical Program (AMP) issue in this case. DHS-SSPC-West, who did not appear for this hearing, was copied on the AMP dismissal.
- (8) During this hearing Claimant stated that he understands why he is not eligible for any "Cash" benefit. The "Cash" issue in this case is dismissed.

### **CONCLUSIONS OF LAW**

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 of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

#### **BAM 117 FAP EXPEDITED SERVICE**

##### **DEPARTMENT POLICY**

The policy in this item applies to FAP only. The purpose of FAP expedited service is to help the neediest clients quickly. Certain

processing requirements and actions (identified in this item) are deferred due to the shortened standard of promptness.

### **DEFINITIONS**

**Expedited Service** has a shorter standard of promptness and fewer verification requirements to determine FAP eligibility than are normally required.

**Liquid Assets** include:

- Cash on hand.
- Checking or savings accounts.
- Savings certificates.

### **EXPEDITED SERVICE CRITERIA**

Eligibility factors are the same for expedited as regular FAP benefits.

Applicant groups are entitled to expedited service if one of the following applies:

- They have less than \$ [REDACTED] in monthly gross income and \$ [REDACTED] or less in liquid assets.
- They are destitute migrant or seasonal farm workers and have \$ [REDACTED] or less in liquid assets (refer to BEM 610).
- The group's combined gross income and liquid assets are less than its monthly rent and/or mortgage payments plus the Heat and Utility Standard, or Non-Heat Electric, Water and/or Sewer, Telephone, Cooking Fuel or Trash Removal standards.

### **BAM 130 VERIFICATION AND COLLATERAL CONTACTS**

#### **DEPARTMENT POLICY**

##### **All Programs**

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements.

Obtain verification when:

- Required by policy. BEM items specify which factors and under what circumstances verification is required.
- Required as a local office option. The requirement **must** be applied the same for every client. Local requirements may **not** be imposed for MA, TMA-Plus or AMP.
- Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level.

## **Verification**

### **All Programs**

Tell the client what verification is required, how to obtain it, and the due date; see **Timeliness of Verifications** in this item.

The client must obtain required verification, but you must assist if they need and request help.

If neither the client nor you can obtain verification despite a reasonable effort, use the best available information. If **no** evidence is available, use your best judgment.

### **Timeliness of Verifications**

#### **FIP, SDA, CDC, FAP**

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification you request.

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email or Mi Bridges document upload), the date of the transmission is the receipt date. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a DHS representative are considered to be received the next business day.

Send a negative action notice when:

- The client indicates refusal to provide a verification, **or**
- The time period given has elapsed and the client has **not** made a reasonable effort to provide it.

## **BEM 503 INCOME, UNEARNED**

### **DEPARTMENT POLICY**

#### **All Types of Assistance (TOA)**

This item identifies all of the following:

- Unearned income types.
- Definition of each unearned income type.
- Whether an unearned income type is countable or excluded for each type of assistance.

### **DONATIONS/CONTRIBUTIONS**

#### **All Types of Assistance**

##### **Individual Outside the EDG**

A donation to an individual by family or friends is the individual's unearned income. Bridges counts the gross amount actually

received, if the individual making the donation and the recipient are not members of any common eligibility determination group.

**Exception:** See BEM 500, Inconsequential Income.

## **BEM 500 INCOME OVERVIEW**

### **DEPARTMENT POLICY**

#### **All Types of Assistance (TOA)**

### **GENERAL EXCLUSIONS**

#### **All TOA**

This section describes exclusions that apply to more than one income type.

#### **Inconsequential Income**

Inconsequential income means income that is unpredictable, irregular, and has no effect on continuing need. For example, occasional cash gifts.

Do not enter inconsequential income in Bridges if the amount received during a calendar quarter is \$30 or less. Enter amounts in excess of \$30 per quarter using the appropriate LUW and income type.

In this case no Department representative appeared for the hearing. The evidence submitted by the Department was admitted and reviewed. On page 5 of the Department's evidence, downingt recorded that Claimant reported that his only source of money was about \$ [REDACTED] a month from his [REDACTED]. During the hearing Claimant testified that he reported receiving some occasional assistance from [REDACTED] or [REDACTED] to help him look for work to include rides to locations for submitting applications or for interviews and/or money for bus fare to go to locations for submitting applications or for interviews. The description of this income/assistance matches the Department's definition of inconsequential income from Department of Human Services Bridges Eligibility Manual (BEM) 500, cited above. Claimant also testified that when he asked the people who had helped him out, to write and sign a statement about the assistance, they did not want to do that for fear of becoming obligated to continue helping him. Claimant also testified that he called his assigned case worker [REDACTED] and left a voice mail message reporting his inability to get the requested verification of the assistance from family and friends.

Claimant does not dispute his failure to provide the requested verification of the assistance from family and friends. Bridges Administration Manual (BAM) 130 Verification and Collateral Contacts, cited above, states that when the Department has not received a verification a negative action notice should be

sent when the client refuses to provide it or the time period given has elapsed and the client has not made a reasonable effort to provide it. The evidence in this record does not support a conclusion that Claimant refused to provide the verification or did not make a reasonable effort to obtain it. Denial of Claimant's application based on his failure to provide verification of the assistance from family and friends was not in accordance with the evidence in this record and Department policy.

BAM 130 Verification and Collateral Contacts also states "If neither the client nor you can obtain verification despite a reasonable effort, use the best available information. If no evidence is available, use your best judgment." In this case the Department had some specific income information Claimant reported. The Department had already relied on that information to determine Claimant was eligible for benefits in accordance with Department of Human Services Bridges Administration Manual (BAM) 117 FAP Expedited Service also cited above.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly deny Claimant's December 14, 2012 application for Food Assistance Program (FAP) benefits.

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is further ORDERED that Claimant's December 14, 2012 Food Assistance Program (FAP) application be reinstated and processed in accordance with Department policy including the sections referenced in this Decision and Order.

/s/  
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Gary F. Heisler  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: March 4, 2013

Date Mailed: March 5, 2013

**NOTICE**: Administrative Hearings 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. Administrative Hearings 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 mailing 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

GFH/db

cc:

