

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

**IN THE MATTER OF:**



Reg. No.: 201327672  
Issue No.: 3019, 5016  
Case No.: [REDACTED]  
Hearing Date: March 13, 2013  
County: Wayne (#31)

**ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE**

**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 conducted from Detroit, Michigan on Wednesday March 13, 2013. The Claimant appeared and testified. Participant on behalf of Department of Human Services (Department) was [REDACTED] (Eligibility Specialist).

**ISSUE**

Whether the Department properly terminated the Claimant's Food Assistance Program (FAP) benefits?

Whether the Department properly denied Claimant's application for State Emergency Relief (SER) utility services?

**FINDINGS OF FACT**

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

1. The Claimant is an ongoing FAP recipient.
2. The Department sent a Verification checklist to Claimant on December 17, 2012 requesting asset information due by December 27, 2012.

3. On January 10, 2013, Claimant submitted an application for SER for utility services (DTE).
4. The Claimant is enrolled in a shut off protection plan for his utility services with DTE since September 2012.
5. On January 19, 2013, the Department sent Claimant notice that his FAP benefits were pended to close effective February 1, 2013 for failure to return required verification; and the SER application denied due to not being an emergency.
6. The Claimant's FAP benefits closed effective February 1, 2013.
7. On January 29, 2013 the Department received Claimant's written hearing request disputing the closure of his FAP benefits and denial of the SER application.

### **CONCLUSIONS OF LAW**

The Department of Human Services policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

#### **FAP**

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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3001 through R 400.3015.

Clients must cooperate with the local office in determining initial and ongoing eligibility which includes the completion and submission of all necessary forms. BAM 105 (November 2012), p. 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130 (May 2012), p 1. The client must obtain the required verification; however, the Department must assist if needed and/or requested. BAM 105, p. 5. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. For FAP benefits verifications must be provided by the end of the current benefit period or within 10 days after they are requested, whichever allows more time. A negative action notice is sent when the client indicates a refusal to provide the verification or the time period provided has lapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 5. Verification of assets is required in determining FAP eligibility. For FAP and MA purposes, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210, p.2. If a client does not

complete the redetermination process, benefits expire at the end of the benefit period. BAM 210.

In this case, the Department did not receive timely verification of Claimant's checking and savings account. Claimant testified that he dropped the requested documentation in the office drop box in November 2012 after completing the redetermination telephone interview on November 4, 2012. After reviewing log in sheets for November 2012, the Department had no record of Claimant dropping off any documentation during the month of November 2012. Notably, the Department sent a verification checklist on December 17, 2012 requesting that asset verification be returned by December 27, 2012. Claimant did not submit the asset verification documentation to the Department after receipt of the verification checklist. He believes the Department misplaced his prior documentation. Claimant brought a letter from his bank dated February 20, 2013 to the hearing which outlines his checking and savings account information. Notably, the bank letter was not provided to the Department prior to the date of hearing. Based on the record, the Claimant's FAP case closed in accordance with Department policy due to failure to provide verification necessary to determine eligibility.

While Claimant indicated he brought asset verification to the hearing which was not previously provided, the Department is required to complete the redetermination within 30 days for future benefits. When there is no refusal to cooperate and a client complies by the 30<sup>th</sup> day, the Department should issue benefits within 30 days. BAM 210, p.14.

**SER**

Claimant stated that he no longer disputes the action taken by the Department in regards to the SER application.

**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 Department

did act properly when it closed Claimant's FAP benefits effective February 1, 2013; and denied the SER application on January 19, 2013.

Accordingly, the Department's determination is hereby, **AFFIRMED**.

*M. Howie*

**MICHELLE HOWIE**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 3/20/2013

Date Mailed: 3/20/2013

**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

MH/hw

cc:

