

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-29600  
Issue No.: 3008  
Case No.: [REDACTED]  
Hearing Date: March 21, 2013  
County: Wayne (17)

**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 Claimant's request for a hearing. After due notice, a telephone hearing was held on March 21, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Claimant's friend, [REDACTED], also appeared and served as translator. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Assistance Payment Worker; [REDACTED] Family Independence Manager; and [REDACTED], Agency Translator

**ISSUE**

Due to a failure to comply with the verification requirements, did the Department properly close Claimant's case 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, including testimony of witnesses, finds as material fact:

1. Claimant was an ongoing recipient of FAP benefits.
2. On December 11, 2012, the Department sent Claimant a Redetermination.
3. On January 8, 2013 a telephone interview was conducted.
4. On January 18, 2013, the Department sent Claimant a Verification Checklist.
5. Claimant was required to submit requested verification by January 28, 2013.

6. On February 1, 2013, the Department closed Claimant's FAP case for failure to provide requested verifications.
7. On February 7, 2013, Claimant filed a hearing request, disputing the Department's actions.

### **CONCLUSIONS OF LAW**

Department policies are found in the Bridges 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 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, Rule 400.3001-3015.

Additionally, the Department must periodically redetermine an individual's eligibility for active programs. The redetermination process includes a thorough review of all eligibility factors. BAM 210 (November 2012), p 1. A client must complete a redetermination at least every 12 months in order for the Department to determine the client's continued eligibility for benefits. BAM 210, p. 1. A FAP client must also complete a phone interview. BAM 210, p 3. Before the Department proceeds with the FAP interview, it must receive the completed redetermination packet from the client. BAM 210, p 9. FAP 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. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (May 2012), p.1. To request verification of information, the Department sends a Verification Checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, pp. 2-3. At redetermination, FAP clients must provide verifications by the end of the benefit period or within ten days after they are requested, whichever is later. BAM 130, p. 5; BAM 210, p. 12. If the redetermination packet is not logged in by the last working day of the redetermination month, Bridges will automatically close the FAP case without sending a Notice of Case Action. BAM 210, p.9.

In this case, on December 11, 2012, the Department sent Claimant a Redetermination that was to be completed and returned to the Department. Claimant responded and a telephone interview was conducted on January 8, 2013. After the telephone interview, the Department discovered that Claimant was previously receiving unearned income in the amount of \$150.00 that was not reported in her December 11, 2012 Redetermination. On January 18, 2013, the Department sent Claimant a VCL requesting verification of other unearned income. (Exhibit 1). The Claimant was required to respond to the VCL by January 28, 2013 and provide the Department with proof of recent check stubs or a letter or document from any person/agency making any payments. (Exhibit 1). The Department testified that because Claimant did not provide

the requested verifications of unearned income by the January 28, 2013 deadline, the redetermination could not be completed and Claimant's FAP case automatically closed effective February 1, 2013.

Claimant verified that in February 2012, she informed the Department that she was receiving \$150.00 in unearned income that was given to her by a friend each month. However, Claimant contended that she stopped receiving that \$150.00 per month six months prior to the hearing. Claimant testified that she sent the Department a letter stating that she was no longer receiving that money each month, but she could not recall when she sent the letter or if she notified the Department about the unearned income change in her redetermination or during the telephone interview. The Department testified that it had not received any communication from Claimant, letter or otherwise, stating that she was no longer receiving the \$150.00.

Claimant confirmed that she received the VCL and stated that in response, she dropped off the requested documents to the Department in person and signed the log before the January 28, 2013 deadline. The Department's sign-in logs were reviewed at the hearing. Claimant's name appeared on the log for January 25, 2013. On that day, the log showed that Claimant dropped off copies of her bank statements. Although Claimant provided the Department with copies of her bank statements within the required time period, the bank statements were not what she was instructed to provide in the January 8, 2013 VCL. The Department specifically requested verification or proof of unearned income in the form of check stubs or a letter from the person making the payment. Because the Department credibly testified that it had not received verification of Claimant's unearned income as of the hearing date, the Department acted in accordance with Department policy when it closed Claimant's FAP case.

### **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 acted in accordance with Department policy when it closed Claimant's FAP case for failure to verify requested information. Accordingly, the Department's decision is AFFIRMED.



**Zainab Baydoun**

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

Date Signed: March 28, 2013

Date Mailed: March 28, 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 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  
Reconsideration/Rehearing Request  
P. O. Box 30639  
Lansing, Michigan 48909-07322

ZB/cl

cc:

