

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

**IN THE MATTER OF:**



Reg. No.: 2013-35680  
Issue No.: 3008  
Case No.:   
Hearing Date: April 17, 2013  
County: Wayne (82-19)

**ADMINISTRATIVE LAW JUDGE:** Eric Feldman

**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 April 17, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included .

**ISSUES**

Due to Claimant's 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  applied for  was receiving: FIP FAP MA SDA CDC.
2. Claimant was required to submit requested verification by March 1, 2013.
3. Claimant's employer submitted the verification documents via fax on March 6, 2013.
4. On March 5, 2013, the Department sent notice of the  
 denial of Claimant's  
 closure of Claimant's case.  
 reduction of Claimant's benefits.

5. On March 19, 2013, the Department
- denied Claimant's application.
  - closed Claimant's case.
  - reduced Claimant's benefits .
6. On March 18, 2013, Claimant filed a hearing request, protesting the closure of her FAP case.

### **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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1997 AACS R 400.3101-3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

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 1997 AACS R 400.3001-3015

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 1998-2000 AACS R 400.3151-400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and 1997 AACS R 400.5001-5015.

As a preliminary matter, Claimant also protested her MA benefits. However, the Notice of Case Action about which Claimant filed her hearing request only addressed the

closure of her FAP benefits. Thus, this decision will only address Claimant's FAP benefits.

Clients must cooperate with the local Department office in obtaining verification for determining initial and ongoing eligibility. BAM 105 (March 2013), p. 5. For FAP cases, the Department must allow the client 10 calendar days to provide the verification requested. BAM 130 (May 2012), p. 5.

In the present case, the Department sent Claimant a Mid-Certification Contact Notice on January 2, 2013. On January 9, 2013, Claimant submitted the Mid-Certification Contact Notice and the Department processed the Mid-Certification on February 19, 2013. Claimant indicated in the Mid-Certification that she had a sub-teaching position. Therefore, on February 19, 2013, the Department sent Claimant a Verification Checklist (VCL) requiring verification of her employment by March 1, 2013. Claimant's employer submitted the verification via fax to the Department on March 6, 2013. However, due to Claimant's VCL being submitted after the March 1, 2013 due date, the Department sent Claimant a Notice of Case Action notifying her of the closure of her FAP case due to her failure to comply with the verification requirements.

A negative action is a Department action to deny an application or to reduce, suspend or terminate a benefit. BAM 220 (November 2012), p. 1. The negative action date is the day after the timely hearing request date on the Department's notice of case action. BAM 220, p. 9. The timely hearing request date is the last date on which a client can request a hearing and have benefits continued or restored pending the hearing. BAM 220, p. 9. It is always the day before the negative action is effective. BAM 220, p. 9. A pending negative action occurs when a negative action requires timely notice based on the eligibility rules in this item. BAM 220, p. 9. Timely notice means that the action taken by the Department is effective at least 12 calendar days following the date of the Department's action. BAM 220, p. 9. If the requirement is met before the negative action effective date, then the Department will enter the information the client provided to meet the requirement that caused the negative action. BAM 220, p. 10. The Department will then delete the negative action by reactivating the program and run eligibility and certify the results. BAM 220, p. 10. The Department will recalculate benefits based on the information and dates entered in the system. BAM 220, p. 10.

In the present case, Claimant's Request for a Hearing (Exhibit 1) stated that Claimant can submit a timely hearing request on or before March 18, 2013. BAM 220, p. 9. Thus, March 19, 2013 is the negative action date, which is a date after the timely hearing request date. BAM 220, p. 9. Claimant's employer submitted the verification documents on March 6, 2013 (Exhibit 4). Even though Claimant submitted the VCL after the March 1, 2013, due date, Claimant's employer met the VCL requirement before the March 19, 2013, negative action effective date. BAM 220, p. 10. It is unclear from the Department's testimony if it processed the received information per policy. BAM 220, p. 10. On March 5, 2013, the Notice of Case Action only refers to Claimant's failure to comply with the verification requirements. Based on the Notice of Case Action and because Claimant submitted the VCL requirements before the March 19, 2013,

negative action date, the Department improperly closed Claimant's FAP benefits effective April 1, 2013, ongoing.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated above and on the record, the Administrative Law Judge concludes that the Department

properly  improperly

- closed Claimant's FAP case.
- denied Claimant's application.
- reduced Claimant's benefits.


### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated above and on the record, finds that the Department  did act properly  did not act properly.

Accordingly, the Department's decision is  AFFIRMED  REVERSED for the reasons stated on the record.

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

1. Recalculate Claimant's eligibility, effective April 1, 2013, subject to the finding that Claimant timely verified income and
2. Supplement Claimant for any lost FAP benefits that Claimant was eligible to receive but did not from April 1, 2013, ongoing, if otherwise eligible and qualified in accordance with department policy.

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

Date Signed: April 18, 2013

Date Mailed: April 18, 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

EJF/pf

cc:

