

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

IN THE MATTER OF:



Reg. No.: 201338564
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: April 29, 2013
County: Wayne County (#15)

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 on Monday, April 29, 2013, from Detroit, Michigan. The Claimant appeared and testified. Participant on behalf of Department of Human Services (Department) was [REDACTED] (Eligibility Specialist).

ISSUE

Whether the Department properly closed Claimant's FAP benefits for failure to comply with verification requirements?

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 was an ongoing FAP recipient subject to redetermination.
2. On January 15, 2013, the Department sent notice of FAP redetermination telephone interview and requesting verifications which included paystubs to cover a 30 - day period due by February 1, 2013. (Exhibit 1)
3. The Department received Claimant's weekly paystubs for weeks ending 12/21/12, 12/28/12 and 1/11/13.

4. On February 12, 2013, the Department processed the redetermination and sent a verification checklist (VCL) requesting that missing paystubs be submitted by February 22, 2013. (Exhibit 2)
5. On March 20, 2013, the Department sent Notice of Case Action that her FAP benefits would close effective March 1, 2013, for failure to submit requested verifications. (Exhibit 3)
6. On March 26, 2013, the Department received the Claimant's written hearing request protesting the Department's action.

CONCLUSIONS OF LAW

The Department of Human Services (DHS) policies are contained 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, R 400.3001 through R 400.3015.

The Department periodically re-evaluates cases to ensure that eligibility for program benefits continues. A redetermination is a periodic review. The Department sends an application form and a verification checklist requesting that required verifications be returned by a specified date. The Department is to allow a reasonable amount of time for a client to complete the application and gather the required verifications before the end of the redetermination month. Clients must cooperate in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105 (September 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. Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verification(s). BAM 130 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 (November 2012). FAP clients have until the last day of the redetermination month or 10 days, whichever is later, to provide verification. BAM 210, p. 2. A FAP group loses the right to uninterrupted benefits if it fails to participate in the scheduled interview, submit the required verifications, or complete the application by the 15th of the redetermination month. BAM 210, p. 14.

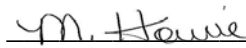
In this case, the Claimant admittedly failed to submit the requested additional income verification by the February 22, 2013 due date. Claimant testified that she did not work full-time or consistently every week but she did work between the period of January 11, 2013 and February 22, 2013. The proof of monthly income is necessary to determine

program eligibility. The Department established it acted in accordance with policy when it closed the Claimant FAP based on the Claimant's failure to provide all verification necessary to determine eligibility. Accordingly, the Department's action is upheld.

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 policy when it closed the Claimant's FAP effective March 1, 2013.

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



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

Date Signed: 5/6/2013

Date Mailed: 5/6/2013

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

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cc:

