

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

**IN THE MATTER OF:**



Reg. No.: 201339254  
Issue No.: 3008  
Case No.: [REDACTED]  
Hearing Date: May 6, 2013  
County: SSPC-East (98)

**ADMINISTRATIVE LAW JUDGE:** Alice C. Elkin

**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 May 6, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Assistance Payment Manager, and [REDACTED], Assistance Payment Worker.

**ISSUE**

Did the Department properly close Claimant's Food Assistance Program (FAP) case for failure to provide requested verifications?

**FINDINGS OF FACT**

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

1. On February 6, 2013, Claimant applied online for FAP benefits.
2. On February 14, 2013, the Department approved Claimant's application for expedited FAP benefits, pending further verifications.
3. On February 14, 2013, the Department sent Claimant a Verification Checklist (VCL) requesting verification of Claimant's checking account, shelter expenses, and employment and included Verification of Assets (DHS-20), Shelter Verification (DHS-3688), and Verification of Employment (DHS-38) forms.

4. The Department did not receive any requested verifications.
5. On February 28, 2013, the Department sent Claimant a Notice of Case Action notifying him that his FAP case would close effective March 1, 2013, based on his failure to provide requested verifications.

### **CONCLUSIONS OF LAW**

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


Additionally, in this case Claimant was approved for expedited FAP benefits on February 14, 2013. FAP applicants eligible for expedited service, which provides for a shortened standard of process, must verify identity, and the Department makes a reasonable effort to verify income, assets and other eligibility factors. BAM 117 (July 1, 2011), p 3. FAP groups that do not provide all required verifications are not issued benefits for subsequent months until they provide the waived verification or complete a redetermination. BAM 117, p 4. If the client fails to verify requested information by the 10th day following the request (or by the extended date, if granted), the benefit period will expire at the end of the expedited month(s) unless the verification is returned within 30 days of the date of the application and the application is subject to subsequent processing. BAM 117, pp 4-5.

In this case, the Department testified that it did not receive a response to the February 14, 2013 VCL requesting verification of Claimant's checking account, shelter expenses, and employment and closed Claimant's FAP case effective March 1, 2013, based on Claimant's failure to provide requested information. Although Claimant testified that he did not realize that he had to provide requested documentation, the VCL informed Claimant that he needed to submit the requested proofs by the February 25, 2013 due date or he would not receive FAP benefits beyond February. Claimant admitted he did not provide the requested verifications. Thus, 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. Accordingly, the Department's decision is AFFIRMED.

  
**Alice C. Elkin**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 5/14/2013

Date Mailed: 5/14/2013

**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

ACE/hw

cc: 