

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-41526
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: May 15, 2013
County: Oakland (63-03)

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 May 15, 2013, from Detroit, Michigan. Claimant appeared and testified. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly deny Claimant's application 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. On December 12, 2012, Claimant submitted an application for FAP benefits.
2. On December 19, 2012, the Department sent Claimant a Verification Checklist (VCL) for which Claimant was required to submit requested verifications by January 2, 2013. Exhibit 5.
3. On January 11, 2013, the Department sent Claimant a Notice of Case Action, denying his application for FAP benefits for failure to verify requested information. Exhibit 6.
4. On April 9, 2013, Claimant filed a hearing request, disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services 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, 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. FAP clients are given 10 calendar days to provide the verifications requested by the Department. Verifications are considered to be timely if received by the date they are due. BAM 130, p. 5. The Department sends a negative action notice when the client indicates a refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 5.

In this case, Claimant applied for FAP benefits on December 12, 2012. The Department sent Claimant a VCL on December 19, 2012, in connection with his application for FAP benefits. Exhibit 5. Verification of Claimant's checking and savings account information, vehicle ownership and value information, and proof of home rent was due to the Department by January 2, 2013. Exhibit 5. At the hearing, the Department testified that on January 3, 2013, it received verification of one of Claimant's savings accounts, vehicle ownership, and home rent. On January 10, 2013, the Department stated that it received verification of Claimant's checking accounts from [REDACTED]. Because the Department did not timely receive verification of Claimant's savings account from Citizen's Bank, on January 11, 2013, it sent Claimant a Notice of Case Action, denying his December 12, 2012, application for FAP benefits for failure to verify requested information. Exhibit 6. BAM 130, p. 5.

At the hearing, Claimant testified that on January 3, 2013, he called the Department and asked for an extension to submit the remainder of the requested verifications. Claimant stated that he was informed that his extension was granted and was given an additional week to submit the requested verifications. Claimant credibly testified that because both his checking and savings accounts at [REDACTED] were closed, the information regarding his savings account that the Department stated it did not receive was included in the same documents as his checking account information which was received by the Department on January 10, 2013, within the extended time he was given.

Although the Department is not to grant an extension for obtaining verifications for FAP cases and an application may be denied if verifications are not received once the VCL

due date has passed, Claimant's eligibility should have been determined based on the date he complied and returned the requested verifications. BAM 130, p. 5; BAM 115 (January 2013), pp. 18-19. According to BAM 115, if a client completes the FAP application process after denial but on or before the 30th day, the Department is to reregister the application using the original application date and, if eligible, prorate Claimant's FAP benefits according to the initial benefits policy found in BAM 115. BAM 115, p. 18. If the client completes the application process after denial but between the 31st and 60th day, the Department is to reregister the application using the date the client completed the process and, if eligible, prorate benefits from the date the client complied. BAM 115, p. 19.

Under the facts in this case, because Claimant credibly testified that he submitted all of the required verifications to the Department, and although the verifications were received after the due date for the VCL, the Department should have reregistered Claimant's application and processed it in accordance with BAM 115, discussed above. Therefore, the Department did not act in accordance with Department policy when it denied Claimant's application for FAP benefits based on a failure to verify requested information.


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 not act in accordance with Department policy when it denied Claimant's application for FAP benefits based on a failure to verify requested information. Accordingly, the Department's decision is REVERSED.

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

1. Reregister Claimant's December 12, 2012, application for FAP benefits;
2. Begin reprocessing the application and recalculating the FAP budget from December 12, 2012, ongoing in accordance with Department policy and consistent with this Hearing Decision;
3. Begin issuing supplements to Claimant for any FAP benefits that he was eligible to receive but did not from December 12, 2012, ongoing in accordance with Department policy; and

4. Notify Claimant of its decision in writing in accordance with Department policy.



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

Date Signed: May 28, 2013

Date Mailed: May 29, 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/pf

cc:

