

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-43460  
Issue No.: 3008  
Case No.: [REDACTED]  
Hearing Date: [REDACTED]  
County: Macomb DHS

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**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 [REDACTED], from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED], [REDACTED], and [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED].

**ISSUE**

Whether the Department of Human Services (Department) properly closed the Claimant's Food Assistance Program (FAP) for failing to submit information necessary to determine her eligibility to receive benefits?

**FINDINGS OF FACT**

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

1. The Claimant was an ongoing Food Assistance Program (FAP) recipient until [REDACTED].
2. The Department sent the Claimant a Verification Checklist (DHS-3503) with a due date of [REDACTED]. The Department requested verification of income received by [REDACTED].
3. [REDACTED] has used the Claimant's mailing address for employment and tax purposes.

4. On [REDACTED], the Department notified the Claimant that it would close her Food Assistance Program (FAP) benefits for failing to provide verification of [REDACTED] employment information.
5. The Department received the Claimant's request for a hearing on [REDACTED], protesting the closure of her Food Assistance Program (FAP) benefits.

### **CONCLUSIONS OF LAW**

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 1999 AC, R 400.3001 through Rule 400.3015.

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (March 1, 2013), p 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Department of Human Services Bridges Assistance Manual (BAM) 130 (May 1, 2012), p 1. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

Clients are allowed ten calendar days to provide the verifications requested by the Department. The Department should send a negative action notice when the client indicates a refusal to provide the verification, or the time period provided has lapsed and the client has not made a reasonable effort to provide it. The Department should extend the time limit no more than once if the client cannot provide the verification despite a reasonable effort. Department of Human Services Bridges Assistance Manual (BAM) 130 (May 1, 2012), pp 1-7.

In this case, the Claimant was an ongoing Food Assistance Program (FAP) recipient until [REDACTED]. The Department sent the Claimant a Verification Checklist (DHS-3503) with a due date of [REDACTED]. The Department requested verification of income received by [REDACTED]. When the Claimant failed to provide the requested information, the Department sent the Claimant notice on [REDACTED], that it would close her Food Assistance Program (FAP) benefits as of [REDACTED].

The Claimant argued that [REDACTED] does not reside in her household and it should not be necessary for her to provide verification of his income.

FAP group composition is established by determining who lives together, the relationship of the people who live together, whether the people living together purchase and prepare food together or separately, and whether the persons resides in an eligible living situation. Department of Human Services Bridges Eligibility Manual (BEM) 212 (November 1, 2012), p 1.

The Department determined through a routine investigation that [REDACTED] uses the Claimant's address for employment and tax purposes.

The Claimant does not dispute that [REDACTED] is the father of her children.

As the parent of a minor child living in the home, [REDACTED] is a mandatory member of the Claimant's Food Assistance Program (FAP) benefit group.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). In evaluating the credibility and weight to be given the testimony of a witness, the fact-finder may consider the demeanor of the witness, the reasonableness of the witness's testimony, and the interest, if any, the witness may have in the outcome of the matter. *People v Wade*, 303 Mich 303 (1942), cert den, 318 US 783 (1943).

Based on the evidence and testimony available during the hearing, this Administrative Law Judge finds that the Department had sufficient credible information to believe that [REDACTED] was a member of the Claimant's household and a mandatory member of her Food Assistance Program (FAP) benefit group. As a result, the Department was required to request verification of his income. The Claimant failed to provide timely verification of this income. The Claimant also failed to provide verification that [REDACTED] was not living in her house, which may have relieved her of the duty to verify his income.

Therefore, the Department was acting in accordance with policy when it closed the Claimant's Food Assistance Program (FAP) benefits for failure to provide information necessary to determine her continued eligibility to receive benefits.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly closed the Claimant's Food Assistance Program (FAP) benefits for failure to provide the Department with information necessary to determine her continued eligibility.

The Department's Food Assistance Program (FAP) eligibility determination is **AFFIRMED**. It is **SO ORDERED**.

/s/  
**Kevin Scully**  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: 06/04/2013

Date Mailed: 06/04/2013

**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

KS/kl

2013-43460/KS

cc:

