

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2013-46121
Issue No: 3008
Case No: [REDACTED]
Hearing Date: June 12, 2013
Oceana County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on June 12, 2013. Claimant appeared and testified. The department was represented by Program Manager [REDACTED] [REDACTED] and Assistance Payments Worker [REDACTED] [REDACTED].

ISSUE

Did the Department of Human Services (the department) properly close claimant's Food Assistance Program (FAP) case?

FINDINGS OF FACT

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

- (1) Claimant was a FAP benefit recipient.
- (2) The department received a consolidated inquiry which indicated that claimant's husband was receiving unreported wages.
- (3) On February 28, 2012, the department sent a verification checklist to claimant requesting wage information to be returned by March 11, 2013.
- (4) On April 18, 2013, the verification information had not been received by the department.
- (5) On April 18, 2013, the department sent a notice of case action stating that claimant's FAP benefits would be cancelled by April 30, 2013 because claimant failed to provide verification information in a timely manner.
- (6) On May 3, 2013, claimant filed a request for a hearing to contest the department's negative action.

CONCLUSIONS OF LAW

The regulations governing the hearing and a ppeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An oppor tunity for a hearing shall be granted to an ap plicant who requests a hearing because his or her clai m for assistance has been den ied. MAC R 400.903(1). Clients h ave the right to contes t a department decision affecting elig ibility or benefit levels whenever it is believed that the decis ion is incorrect. The department will provide an adm inistrative hearing to review the dec ision and determine the appropriateness of that decision. BAM 600.

The Food Assistanc e Program (FAP) (formerly known as the Food Stamp (FS) program) is establis hed by the Food St amp Act of 1977, as amended, and is implemented by the federal r egulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administ rative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Pertinent Department policy dictates:

Allow the client 10 calendar days (**or** other time lim it specified in policy) to p rovide the verification you request. Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email or MI Bridges document upload), the date of the transmission is the receipt date. Verifications that are submitted after the close of regular busin ess hours through the drop bo x or by delivery of a DHS representative are considered to be received the next business day.

Send a negative action notice when:

- The client indicates refusal to provide a verification, **or**
- **The time period given has elapsed and the client has not** made a reasonable effort to provide it.

For FAP only, if the c lient contacts the department prior to t he due date requesting an extension or assistance in obt aining verifi cations, you must assist them with the verifications but do not grant an extension. Explain to the client they will not be given an extension and their case will be denied once the VCL due date is passed. Also, explain their eligibility will be determi ned based on t heir compliance date if they return required verifications. Re-regis ter the application if the client complies wit hin 60 days of the application date; see BAM 115, Subsequent Processing. Bam, Item 130, page 5.

In the instant case, claimant alleges that she did not receive the verification request for information until after the March 11, 2013 date was passed and that she often receive s mail from the department that is not postmarked on the date of notice.

This Administrative Law Judge decides that although claimant's testimony is credible, she did not return verification documents within a timely manner. The caseworker did not send a negative action notice until April 18, 2013, which gave claimant ample time to turn in verification information even if she did receive the verification checklist late. Therefore, the department's negative action must be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department has established by the necessary competent, material and substantial evidence on the record that it was acting in compliance with department policy when it cancelled claimant's Food Assistance Program benefits because claimant failed to provide verification information in a timely manner.

Accordingly, the department's decision is **AFFIRMED**.

Landis

/s/

Y. Lain
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 12, 2013

Date Mailed: June 13, 2013

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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

LYL/las

cc:

