

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

IN THE MATTER OF:

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████████████████████
████████████████████

Reg. No.: 2013-47088
Issue No.: 3008
Case No.: ██████████
Hearing Date: June 10, 2013
County: Wayne (19)

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 June 10, 2013, from Detroit, Michigan. Claimant appeared and testified. Participants on behalf of the Department of Human Services (Department) included ██████████, Family Independence Manager.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case based on Claimant's failure to verify requested information?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of FAP benefits.
2. On April 3, 2013, the Department sent Claimant a New Hire Client Notice seeking verification of her daughter's new employment. (Exhibit 1).
3. The completed New Hire Client Notice and with any paystubs received were due to the Department by April 15, 2013. (Exhibit 1).
4. On May 2, 2013, the Department sent Claimant a Notice of Case Action informing her that her FAP case would be closing effective June 1, 2013 because she had failed to provide requested information. (Exhibit 6).

5. On May 13, 2013, Claimant filed a hearing request disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained 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, R 400.3001 through R 400.3015.

Additionally, the Department routinely matches recipient employment data with the Michigan Department of Treasury (MDOT) through computer data exchange processes. New Hires is a daily exchange with MDOT and the information is used to determine current income sources for active Department clients. BAM 807 (April 2012), p.1. The New Hire database is established from W-4 tax records submitted to MDOT by employers. The New Hires process matches the Social Security number (SSN) for all active recipients to the database. If a SSN match is found on Bridges and the New Hires database, a New Hires match is created if there is no earned income reflected in Bridges. BAM 807, p.1. If the employment has not been previously reported, the Department is to request verification of the employment by sending the client a New Hire Notice. BAM 807, p.1. Clients are given 10 calendar days to provide verification from the date the forms were requested. If verifications are not returned by the 10th day, the case will close for a minimum of 30 days, unless the client returns the requested verifications. BAM 807, p. 1.

In this case, the Department learned pursuant to the new hire database that Claimant's daughter, a member of her FAP group, had gained employment, and on April 3, 2013, the Department sent Claimant a New Hire Client Notice seeking verification of her daughter's employment. (Exhibit 1). Claimant was given until April 15, 2013 to provide the Department with the completed New Hire Client Notice and proof of any paystubs received by her daughter (Exhibit 1). Because the Department did not receive the completed form or any paystubs from Claimant, on May 2, 2013, the Department sent Claimant a Notice of Case Action informing her that her FAP case would close effective June 1, 2013 for failure to provide required verifications. (Exhibit 6).

Claimant testified that although she received the New Hire Client Notice sent to her on April 3, 2013, she did not respond or complete the Notice because her daughter was no longer employed. Claimant stated that her daughter was only employed for about one week and that she did receive one pay check. Claimant confirmed that although she was asked by the Department to submit verification of the pay check received by her

daughter, she did not submit it. Claimant testified that she contacted the Department at the end of April to inform her worker that her daughter was no longer employed anymore; however, this was after the due date had elapsed for the New Hire Client Notice and more than 10 days after her daughter's employment was lost. BAM 105 (March 2013), p.7. Thus, the Department acted in accordance with Department policy when it closed Claimant's FAP case effective June 1, 2013 for her failing to provide the requested verifications by the due date.

Additionally, at the hearing, Claimant indicated that because her hearing request was filed timely, she should have continued to receive her FAP benefits pending the outcome of the hearing. Although the Department did not continue to provide Claimant with her FAP benefits pending the outcome of the hearing, as required under BAM 600, this error proved to be harmless. BAM 600 (February 2013) p. 18. Because the Department acted in accordance with Department policy in this case and this decision upholds the Department's action, had Claimant continued to receive FAP benefits pending the outcome of this decision, the Department would be entitled to recoupment of any benefits provided to Claimant that she was not entitled to receive. BAM 600, p. 20; BAM 700 (February 2013), p. 5.

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 for failure to verify requested information. Accordingly, the Department's decision is AFFIRMED.



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

Date Signed: June 18, 2013

Date Mailed: June 18, 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/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
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