

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

IN THE MATTER OF:



Reg. No.: 201349533
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: June 26, 2013
County: SSPC-East (98)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 26, 2013, from Detroit, Michigan. Participants included the above named-Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly denied Claimant's application for Food Assistance Program (FAP) benefits due to a failure to verify income.

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 4/30/13, Claimant applied for FAP benefits and listed ongoing employment income.
2. On 5/1/13, Claimant lost his employment.
3. Claimant failed to report the employment stoppage to DHS.
4. On 5/2/13, DHS mailed Claimant a Verification Checklist (VCL) requesting verification of Claimant's employment income.
5. The VCL due date was 5/13/13.

6. Claimant failed to return verification of employment income to DHS.
7. On 5/21/13, DHS mailed Claimant a Notice of Case Action informing Claimant that the FAP application dated 4/30/13 was denied due to a failure to verify income.
8. On 5/24/13, Claimant requested a hearing to dispute the FAP application denial.

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 Mich Admin Code, R 400.3001 through R 400.3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The present case concerns a dispute involving a FAP application denial. It was not disputed that the denial was based on Claimant's failure to verify income.

DHS is to verify income at application and at redetermination. BEM 505 (10/2010), p 11. DHS is to use the DHS-3503, Verification Checklist to request verification. BAM 130 (5/2012), p. 3. DHS must give clients at least ten days to submit verifications. *Id.* DHS must tell the client what verification is required, how to obtain it, and the due date. *Id.*, p. 2. For FAP benefits, DHS is to 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. (*Id.*, p. 5.)

Claimant did not dispute that he received a VCL and that he failed to verify employment income by the VCL due date. Claimant contended that he should not have been obligated to verify employment income after he lost employment.

The problem with Claimant's contention is that he conceded never reporting the employment stoppage to DHS. Changes must be reported within 10 days of receiving the first payment reflecting the change. BAM 105 (3/2013), p. 7. Claimant failed to meet his reporting requirement.

DHS requested verifications based on the most recently reported information from Claimant. When DHS denied Claimant's application, DHS based the decision on the most recently reported information from Claimant.

Based on the presented evidence, it is found that DHS properly requested income verification, and that Claimant failed to make reasonable efforts in timely returning the verification. Accordingly, the FAP denial was proper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's application dated 4/30/13 due to Claimant's failure to verify income. The actions taken by DHS are AFFIRMED.



Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 7/5/2013

Date Mailed: 7/5/2013

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

CG/hw

cc:

