

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201328484
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: March 6, 2013
County: Calhoun County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 hearing was held on . Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) on January 31, 2013 for failure to provide required verifications?

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 an ongoing recipient of Food Assistance Program (FAP) benefits. Claimant is disabled and his Food Assistance Program (FAP) benefit group includes his [REDACTED]. Claimant's Food Assistance Program (FAP) was due for re-determination by January 31, 2013.
- (2) On December 28, 2012, Claimant's Redetermination Form (DHS-1010) was submitted to the Department.
- (3) Claimant's [REDACTED] receives a portion of her [REDACTED] retirement benefits. A [REDACTED] was submitted as verification of the amount.
- (4) Claimant's [REDACTED] was informed that the [REDACTED] was insufficient as verification for the amount of her [REDACTED] retirement benefits.

- (5) On January 29, 2013, neither Claimant's [REDACTED] nor the Department case worker had been successful at getting verification of the amount from the Defense Finance and Accounting Service. Claimant was sent a Notice of Case Action (DHS-1605) which stated his Food Assistance Program (FAP) would close on February 1, 2013 for failure to provide the required verification.
- (6) On February 4, 2013, Claimant's [REDACTED] submitted a request for hearing.

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 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this case the income at issue was already a part of the Claimant's Food Assistance Program (FAP) financial eligibility budget from the previous certification period. The Department sought the verification because there was an impression that the amount deposited in Claimant's [REDACTED] bank account was not the gross amount of the income. That impression came from a statement from Claimant's [REDACTED] that she thought [REDACTED] were held out of the allotment before it was sent to her. Both Claimant's [REDACTED] and the Department case worker tried to get verification of the income and were unsuccessful.

Department of Human Services Bridges Administration Manual (BAM) 210 Redetermination/Ex Parte Review (2012) directs that for Food Assistance Program (FAP) redeterminations verifications must be provided by the end of the current benefit period **or** within 10 days after they are requested, whichever allows more time.

In this case, Claimant's current benefit certification period ended on January 31, 2013. Verification of income is required in order to determine Food Assistance Program (FAP) eligibility. The Federal Regulations governing the Food Assistance Program (FAP) specify that benefits may not be issued without proper determination of eligibility.

While the events in this case are unfortunate, the Department's action were required by law an policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed Claimant's Food Assistance Program (FAP) on January 31, 2013 for failure to provide required verifications.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHeld.

/s/
Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: March 15, 2013

Date Mailed: March 18, 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 60 days of the filing of the original request.

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.

GFH/hj

cc:

