

**STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 201328541
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: March 7, 2013
County: Macomb 20

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 March 7, 2013. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) 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.
- (2) On November 12, 2012, Claimant began to receive earned income.
- (3) On January 6, 2013, Claimant reported the income and submitted two [REDACTED] one from November 23, 2012 and the other from December 7, 2012.
- (4) On January 10, 2013, Claimant was sent a Verification Checklist (DHS Form 3503) requesting missing [REDACTED]. The additional verifications were due by January 22, 2013.
- (5) On January 25, 2013, the Department had not received the required verification of Claimant's earned income. Claimant was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program (FAP) would close on March 1, 2013.
- (6) On February 1, 2013, Claimant 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 Claimant does not dispute that she received the Verification Checklist (DHS Form 3503) or that she did not send in any other [REDACTED]. Two or three times during the hearing Claimant asserted that she was a [REDACTED] worker, does not get regular hours of work, and has not worked very much. Two or three other times during this hearing Claimant asserted she did not have time to contact the Department because she was working and did not have time. Based on Claimant's statements during this hearing her veracity is highly suspect.

Regardless, Department of Human Services Bridges Administration Manual (BAM) 130 Verification and Collateral Contacts (2012) states: "Allow the client 10 calendar days (or other time limit specified in policy) to provide the verification you request. . . . 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."

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) 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 13, 2013

Date Mailed: March 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

GFH/tb

cc:

