

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201337761
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: May 1, 2013
County: Washtenaw

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 May 1, 2013. Claimant and her [REDACTED] appeared and testified. The Department case worker involved in the situation was not present for the hearing. The Department was represented by FIM [REDACTED].

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. Claimant's eligibility certification period was going to end on February 28, 2013.
- (2) On January 15, 2013, Claimant was sent a Redetermination Form (DHS-1010).
- (3) On January 31, 2013, Claimant returned the Redetermination Form (DHS-1010) and indicated her [REDACTED] [REDACTED] [REDACTED] was residing in the home and purchasing and preparing food with the household.
- (4) On March 1, 2013, Claimant's Redetermination Form (DHS-1010) was processed and a Verification Checklist (DHS Form 3503) was sent requesting verification of [REDACTED].
- (5) On March 13, 2013, the Department case worker, [REDACTED], spoke with Claimant's by telephone. [REDACTED] advised Claimant that the written note

submitted by [REDACTED] was unacceptable. [REDACTED] inquired on whether [REDACTED] could come in and provide a more detailed statement but declined citing transportation difficulties.

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).

Department of Human Services Bridges Eligibility Manual (BEM) 502 Income from Self-Employment (2012) page 5 dictates a verification requirement for Food Assistance Program (FAP) when self-employment income decreases or stops. It also states "The client has primary responsibility for obtaining verification. Assist the client in obtaining verification when requested."

The note written, signed and submitted by [REDACTED] (page 10) states "To whom it may concern, at this time I am unemployed." The note is on an [REDACTED] [REDACTED] note pad and has no date on it.

In this case [REDACTED] provided [REDACTED] the opportunity to provide a more detailed and specific statement that could be notarized and would resolve any question of being sufficient. The opportunity was not taken. At that point the Department had fulfilled all their responsibilities to the applicant. Claimant's Food Assistance Program (FAP) benefit group is responsible for this failure to provide required verification.

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: 5/6/13
Date Mailed: 5/6/13

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

GFH/tb

cc:

