

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-40157  
Issue No.: 3008  
Case No.: [REDACTED]  
Hearing Date: [REDACTED]  
County: Kalamazoo DHS

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**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 [REDACTED] from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED].

**ISSUE**

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) eligibility?

**FINDINGS OF FACT**

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

1. On [REDACTED], the Claimant submitted an application to the Food Assistance Program (FAP).
2. On [REDACTED], the Department sent the Claimant a Verification Checklist (DHS-3503) with a due date of [REDACTED]. The Department requested that the Claimant provide verification of her income.
3. On [REDACTED], the Claimant submitted a printout that showed her gross pay for 30 days, but did not identify her by name as the payee or the number of hours worked.
4. On [REDACTED], the Department notified the Claimant that her application for Food Assistance Program (FAP) benefits had been denied

for failure to provide the Department with information necessary to determine her eligibility.

5. On [REDACTED], the Claimant provided the Department with verification of her income.
6. On [REDACTED], the Department notified the Claimant that her Food Assistance Program (FAP) application had been reinstated and that she had been approved as of [REDACTED].
7. The Department received the Claimant's request for a hearing on [REDACTED], protesting the Department's denial of Food Assistance Program (FAP) benefits from [REDACTED].

### **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 1999 AC, R 400.3001 through Rule 400.3015.

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (March 1, 2013), p 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Department of Human Services Bridges Assistance Manual (BAM) 130 (May 1, 2012), p 1. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

The Department will restore a closed program to active status without completion of a new application when a client complied with the program requirements before the negative action date. Department of Human Services Bridges Assistance Manual (BAM) 205 (September 1, 2010), p 1.

On [REDACTED], the Claimant submitted an application to the Food Assistance Program (FAP). On [REDACTED], the Department sent the Claimant a Verification Checklist (DHS-3503) with a due date of [REDACTED]. The Department requested that the Claimant provide verification of her income.

On [REDACTED], the Claimant submitted a printout showing her gross pay for 30 days, but did not identify her by name as the payee.

On [REDACTED], the Department notified the Claimant that her application for Food Assistance Program (FAP) benefits had been denied for failure to provide the Department with information necessary to determine her eligibility.

On [REDACTED] the Claimant provided verification of her income to the Department. On [REDACTED], the Department notified the Claimant that her Food Assistance Program (FAP) had been approved as of [REDACTED].

In this case, the Department was unable to approve the Claimant for Food Assistance Program (FAP) until she submitted verification of her income. The Claimant failed to supply the required verification documents in a timely manner, but did submit them on [REDACTED]. On [REDACTED] the Department approved the Claimant for Food Assistance Program (FAP) as of the date the Claimant complied with the program requirements, including providing verification of income.

The Claimant argued that she had provided verification of her income before [REDACTED]. The Claimant testified that she sent copies of her paycheck stubs to the Department before [REDACTED]. The Claimant was unable to provide verification of when she submitted the paycheck stubs to the Department.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). In evaluating the credibility and weight to be given the testimony of a witness, the fact-finder may consider the demeanor of the witness, the reasonableness of the witness's testimony, and the interest, if any, the witness may have in the outcome of the matter. *People v Wade*, 303 Mich 303 (1942), cert den, 318 US 783 (1943).

This Administrative Law Judge finds the testimony of the Department's representative to be credible. This Administrative Law Judge finds that the Claimant failed to establish that she submitted verification of income to the Department in a timely manner. The Department has established that it properly approved the Claimant for the Food Assistance Program (FAP) as of [REDACTED], when the Claimant complied with the program requirements.



2013-40157/KS

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