

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201341161  
Issue No: 3008  
Case No: [REDACTED]  
Hearing Date: May 16, 2013  
Macomb County DHS (20)

**ADMINISTRATIVE LAW JUDGE:** Suzanne D. Sonneborn

**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 received by the Department of Human Services (department) on April 12, 2013. After due notice, a telephone hearing was held on May 16, 2013. Claimant appeared and provided testimony and Claimant's mother, [REDACTED], appeared and provided testimony on Claimant's behalf. The department was represented by [REDACTED], an eligibility specialist with the department's Macomb County office.

**ISSUE**

Whether the department properly reduced Claimant's Food Assistance Program (FAP) benefits for the benefit period effective March 1, 2013?

**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 a recipient of FAP benefits at all times relevant to this hearing in the amount of \$200.00 per month.
2. On February 13, 2013, Claimant reported to the department that his daughter, [REDACTED], had moved back into his home and that she was no longer employed.
3. On February 13, 2013, the department obtained verification through a consolidated inquiry that [REDACTED] was receiving unemployment compensation benefits in the amount of \$735.30 per month. (Department Exhibit 5)

4. On February 13, 2013, the department also retrieved information from its Bridges computer system indicating that, on February 12, 2013, an employee with the Department of Community Health assigned to [REDACTED]'s active case with DCH, updated "other unearned income" for [REDACTED] in the amount of \$680.00 per month. (Department Exhibit 4-Hearing Summary)
5. The department did not issue Claimant a Verification Checklist (DHS 3503), requesting that Claimant provide verification of [REDACTED]'s "other unearned income" in the amount of \$680.00 per month.
6. On February 13, 2013, the department mailed Claimant a Notice of Case Action (DHS 1605), informing him that, effective March 1, 2013, his FAP benefits were being reduced from \$200.00 to \$127.00 per month based on a monthly unearned income budget in the amount of \$1,415.00. (Department Exhibits 1, 2)
7. On April 8, 2013, Claimant requested a hearing contesting the department's reduction of his FAP benefits.

#### **CONCLUSIONS OF LAW**

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. Department of Human Services Bridges Administrative Manual (BAM) 600 (2011), p. 1. The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in sections 400.901 to 400.951 of the Michigan Administrative Code (Mich Admin Code). An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. Mich Admin Code R 400.903(1).

The Food Assistance Program (FAP) was established pursuant to 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 400.30001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department policy indicates that clients must cooperate with the local office in determining initial and ongoing eligibility with all programs. BAM 105. This includes completion of the necessary forms. Clients who are able to but refuse to provide necessary information or take a required action are subject to penalties. BAM 105. Clients must take actions within their ability to obtain verifications. BAM 130; BEM 702.

Likewise, DHS local office staff must assist clients who ask for help in completing forms. BAM 130; BEM 702; BAM 105.

Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. BAM 130. The department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested verification. BAM 130. If the client is unable to provide the verification despite a reasonable effort, the department must extend the time limit at least once. BAM 130. .

Should the client indicate a refusal to provide a verification or, conversely, if the time period given has elapsed and the client has not made a reasonable effort to provide it, the department may send the client a negative action notice. BAM 130.

In the instant case, Claimant is disputing the department's reduction of his FAP benefits for the benefit period effective March 1, 2013 based on a change in his net unearned income amount.

At the May 16, 2013 hearing, [REDACTED], the department's representative and Claimant's case specialist, testified that the department's determination of the change in Claimant's net unearned income amount resulting in the reduction in Claimant's FAP benefits for the benefit period effective March 1, 2013 was based on the department's verification through a consolidated inquiry of Claimant's daughter's receipt of UCB benefits in the amount of \$735.00 per month, as well as the department's reliance upon an updated entry of "other unearned income" on February 12, 2012 in the amount of \$680.00 to Claimant's daughter's active case with the Department of Community Health.

Despite the fact that the updated entry of "other unearned income" on February 12, 2012 in the amount of \$680.00 to Claimant's daughter's active case with the Department of Community Health occurred one day prior to Claimant's February 13, 2013 report to the department that his daughter had moved back home and was no longer employed, and one day prior to the department's February 13, 2013 confirmation of the daughter's receipt of UCB benefits totaling \$735.00, the department took no steps to verify with Claimant the precise amount of unearned income his daughter received each month in order to rule out the obvious possibility of duplication of the same unearned income by two different departments within a one-day timeframe.

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).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record and finds that, based on the competent, material, and

substantial evidence presented during the May 16, 2013 hearing, the department improperly reduced Claimant's FAP benefits effective March 1, 2013 without having first obtained Claimant's verification of his household's monthly unearned income.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly reduced Claimant's FAP benefits effective March 1, 2013 without having first obtained Claimant's verification of his household's monthly unearned income. Accordingly, the department's actions are **REVERSED** and the department shall immediately reinstate Claimant's FAP benefits for the benefit period effective March 1, 2013, obtain from Claimant the necessary verification of his household's monthly unearned income, and issue supplement checks for any months he did not receive the correct amount of benefits if he was otherwise entitled to them.

It is SO ORDERED.

/s/

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Suzanne D. Sonneborn  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: May 17, 2013

Date Mailed: May 20, 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 60 days of the filing of the original request.

The Claimant may appeal this 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 errors, or other obvious errors in the hearing decision that effect the substantial rights of 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 System  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, MI 48909-07322

SDS/aca

cc:

