

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201342226
Issue No: 3008
Case No: [REDACTED]
Hearing Date: May 22, 2013
Kalamazoo County DHS

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 5, 2013. After due notice, a telephone hearing was held on May 22, 2013. Claimant and provided testimony. The department was represented by [REDACTED], an eligibility specialist with the department's Kalamazoo County Office.

ISSUE

Whether the Department of Human Services (department) properly closed Claimant's Food Assistance Program (FAP) benefits for failure to return the required verification?

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.
2. On March 18, 2013, the department received information that Claimant was employed with [REDACTED]. (Department Exhibit D)
3. On March 18, 2013, the department mailed Claimant a New Hire Client Notice (DHS 4635) informing Claimant that information obtained from the Michigan Department of Treasury indicated that Claimant recently began employment with [REDACTED]. In doing so, the department requested that Claimant complete the enclosed New Hire Employment

Report and return it to the department by March 28, 2013. (Department Exhibit A)

4. While Claimant timely provided the department with a completed New Hire Employment Report regarding his employment with [REDACTED], Claimant failed to provide the department with a completed New Hire Report or otherwise contact his specialist regarding his employment with [REDACTED] by the March 28, 2013 deadline. (Department Exhibits B, C)
5. On April 1, 2013, the department mailed Claimant a Notice of Case Action (DHS 1605), informing him that his FAP benefits had been closed effective May 1, 2013 due to his failure to provide the required verification. (Department Exhibit E)
6. On April 4, 2013, Claimant requested a hearing contesting the department's closure of his FAP benefit case. (Department Exhibit F)

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. . For MA, if the client cannot provide the verification despite a reasonable effort, the time limit is extended up to three times. 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. (Emphasis added).

In this case, following the department's receipt of information indicating Claimant's recent employment with [REDACTED], the department mailed Claimant a New Hire Client Notice (DHS 4635) requesting that Claimant complete the enclosed New Hire Employment Report and return it to the department by March 28, 2013. And, because Claimant failed to provide the department with the requested verification of his employment with [REDACTED] by the deadline, the department notified Claimant on April 1, 2013 that, effective May 1, 2013, his FAP benefits were being closed due to his failure to verify or allow the department to verify information necessary to determine Claimant's eligibility for the FAP program.

At the May 22, 2013 hearing, Claimant testified that he has never been employed with nor had he even heard of the [REDACTED]. Claimant further testified that when he received the New Hire Client Notice, he timely provided the department with the required information but did so with respect to the employer with whom he did in fact begin employment on February 24, 2013, [REDACTED]. Claimant acknowledged that he overlooked that the New Hire Client Notice actually requested information regarding [REDACTED] and therefore did not contact his case specialist before the March 28, 2013 and report that he did not have any employment information to provide regarding that company since he was never employed there.

The department's representative and Claimant's case specialist confirmed at the hearing that, had Claimant contacted her in advance of the March 28, 2013 deadline and advised her that he had never been employed with [REDACTED], the department could have timely sought verification with [REDACTED] as well before closing Claimant's FAP case for failure to verify necessary information.

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, based on the competent, material, and

substantial evidence presented at the hearing, the department acted in accordance with policy in closing Claimant's FAP benefits case effective May 1, 2013 due to Claimant's failure to verify necessary information regarding his employment.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department acted in accordance with policy in closing Claimant's FAP benefits case effective May 1, 2013 due to Claimant's failure to verify necessary information regarding his employment. Accordingly, the department's action in this regard is **UPHELD**.

IT IS SO ORDERED.

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

Date Signed: May 22, 2013

Date Mailed: May 22, 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 affect the substantial rights of Claimant;

201342226/SDS

- 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:

