

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201343131

Issue No: 3008

Case No: [REDACTED]

Hearing Date: May 29, 2013

DHS SSPC WEST

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 23, 2013. After due notice, a telephone hearing was held on May 29, 2013. Claimant appeared by three-way conference call and provided testimony. The department was represented by [REDACTED], an eligibility specialist with the department's SSPC West office.

ISSUE

Whether the Department of Human Services (department) properly denied Claimant's application for Food Assistance Program (FAP) benefits for failure to return the 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. On February 12, 2013, Claimant applied for FAP benefits and, in doing so, indicated that he reported his monthly receipt of [REDACTED] ([REDACTED]) benefits in the amount of \$541.00.
2. On February 12, 2013, the department mailed Claimant a Verification Checklist (DHS 3503), requesting that Claimant provide verification of, among other things, his bank checking account with either a current statement from his bank or financial institution or a DHS-20 Verification of Assets form. The department also requested that Claimant provide verification of his veterans compensation with either a letter or document from the person/agency making payment or a DHS-75 Verification of [REDACTED]

Payments. This information was due to the department by February 22, 2013. (Department Exhibit 3)

3. Claimant timely provided the department with the requested verification of his bank checking account as well as a letter from the [REDACTED] dated November 30, 2011 indicating his monthly receipt of [REDACTED] benefits in the amount of \$541.00. (Department Exhibit 2)
4. On March 1, 2013, the department mailed Claimant a Notice of Case Action (DHS 1605), informing him that his application for FAP benefits had been denied due to his failure to provide acceptable verification of his [REDACTED] compensation. (Department Exhibit 4)
5. On April 23, 2013, Claimant requested a hearing contesting the department's denial of his application for 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. . 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 the instant case, Claimant is disputing the department's denial of his application for FAP benefits for failure to provide the requested verification – specifically, Claimant's failure to submit proper verification of his receipt of [REDACTED] benefits.

At the May 29, 2013 hearing, the department's representative, [REDACTED], testified that the November 30, 2011 letter from the [REDACTED] submitted by Claimant was insufficient verification of Claimant's receipt of [REDACTED] benefits because the letter was over one year old and referenced a benefit amount different than that which had been reported by Claimant in his February 12, 2013 application. [REDACTED] further testified that if Claimant was having difficulty obtaining the requested verification or otherwise had any questions, it was his responsibility to contact her right away and the department may have been able to assist Claimant in obtaining the requested verification, as noted on the Verification Checklist.

Claimant testified that he did attempt to contact the [REDACTED] to obtain verification of his current [REDACTED] benefit amount, but he did not receive a response to his inquiry. Claimant further testified that the Department of Human Services should have contacted the [REDACTED] on his behalf using the contact information contained in the November 30, 2011 letter – however, Claimant acknowledged that he did not advise his specialist of his need for assistance in this regard.

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 29, 2013 hearing, the department could not have known that Claimant required assistance in obtaining current and accurate verification of his [REDACTED] benefits because Claimant did not advise the department of his need for such assistance. Accordingly, the department acted in accordance with policy in denying Claimant's application for FAP benefits for failure to timely return the required verification of Claimant's [REDACTED] benefits.

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 denying Claimant's application for FAP benefits for failure to timely return the required verification of Claimant's [REDACTED] benefits.

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 29, 2013

Date Mailed: May 29, 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;
 - The failure of the ALJ to address other relevant issues in the hearing decision.

201343131/SDS

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:

