

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-49423
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: June 24, 2013
County: Wayne (82-15)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 June 24, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly deny Claimant's April 29, 2013, Food Assistance Program (FAP) application?

FINDINGS OF FACT

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

1. On April 29, 2013, Claimant applied for FAP benefits.
2. On May 10, 2013, the Department sent Claimant a Verification Checklist (VCL) requesting certain verifications, including documentation concerning Claimant's self-employment income, by May 20, 2013.
3. On May 17, 2013, Claimant provided all requested verifications except those pertaining to his self-employment.
4. On May 17, 2013, the Department sent Claimant a Notice of Case Action denying Claimant's FAP application on the basis that he had failed to provide requested verifications.

5. On May 22, 2013, Claimant filed a request for hearing disputing the Department's actions concerning his FAP application.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services Reference Tables Manual (RFT).

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 Mich Admin Code, R 400.3001 through R 400.3015.

Claimant applied for FAP benefits on April 29, 2013. In connection with processing the application, the Department sent Claimant a May 10, 2013, VCL requesting verifications, including self-employment income, by May 20, 2013. The Department testified that the self-employment income was requested because Claimant had previously identified receiving self-employment income in a 2012 application. On May 17, 2013, Claimant provided all of the requested verifications except that concerning his self-employment income, explaining at the hearing that he did not have any self-employment income, had not identified any self-employment income in his application, and was incapable of working since August 2012. At the hearing, the Department clarified that the only required verification Claimant had failed to provide was the self-employment income verifications.

On May 17, 2013, the Department sent Claimant a Notice of Case Action notifying him that his application was denied because he had failed to provide requested verifications. However, the verifications were not due until May 20, 2013. The Department may send a negative action notice denying an application when (i) the client indicates a refusal to provide a verification **or** (ii) the time period given to provide has elapsed and the client has not made a reasonable effort to provide the verification. BAM 130 (May 2012), p. 5. Because Claimant did not indicate a refusal to provide the requested verification and the time period to provide the verification had not lapsed, the Department did not act in accordance with Department policy when it denied Claimant's FAP application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did not act in accordance with Department policy when it denied Claimant's April 29, 2013, FAP application.

Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reregister Claimant's April 29, 2013, FAP application;
2. Begin reprocessing the application, provided that Claimant provides any verifications it requests necessary to process the application;
3. Issue supplements to Claimant for any FAP benefits he was eligible to receive but did not from April 29, 2013, ongoing;
4. Notify Claimant in writing of its decision; and
5. Take each of the preceding steps in accordance with Department policy.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 26, 2013

Date Mailed: June 26, 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 90 days of the filing of the original request. (60 days for FAP cases)

The Claimant may appeal the 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 error, or other obvious errors in the hearing decision that affect 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

2013-49423/ACE

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

ACE/pf

cc:

