

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201352339
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: July 10, 2013
County: SSPC-EAST(#98)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's June 12, 2013 request for a hearing. After due notice, a telephone hearing was conducted on Wednesday, July 10, 2013, from Detroit, Michigan. The Claimant appeared by telephone and testified. Participants on behalf of Department of Human Services (Department) included [REDACTED] (Department Manager) and [REDACTED] (Assistant Payment Worker).

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's application close Claimant's case reduce Claimant's benefits for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> Child Development and Care (CDC)? |
| <input type="checkbox"/> Medical Assistance (MA)? | |

FINDINGS OF FACT

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

1. On April 24, 2013 Claimant applied for was receiving: FIP FAP MA SDA CDC.
2. Claimant was was not provided with a Verification Checklist (DHS-3503).
3. Claimant was required to submit requested verification by May 28, 2013.

4. On June 1, 2013, the Department

- denied Claimant's application
 - closed Claimant's case
 - reduced Claimant's benefits
- for failure to submit verification in a timely manner.

5. On June 6, 2013, the Department sent notice of the

- denial of Claimant's application.
- closure of Claimant's case.
- reduction of Claimant's benefits.

6. On June 12, 2013, Claimant filed a hearing request, protesting the

- denial. closure. reduction.

CONCLUSIONS OF LAW

The Department of Human Services policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the 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 1997 AACS R 400.3001-3015

In determining initial and ongoing program eligibility Claimants must cooperate with the local office to include the completion and submitting of the necessary forms. The Department has the responsibility of telling the client what verification is required, how to obtain it, and the due date. BAM 130 (May 2012), p. 1. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130, p. 1. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130, p. 1. The client must obtain any required verification, however, the Department must assist if needed and/or requested. BAM 130, p. 3. Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verification. BAM 130, p. 5. A negative action notice is sent when the client indicates a refusal to provide the verification or the time period provided has lapsed and the client has not made a reasonable effort to provide the verifications. BAM 130, p. 5. In FAP cases, a client will not be given an extension and their case will be denied once the verification checklist due date is passed. Program eligibility will be determined based on their compliance date if they return required verifications. The application will be re-registered if the client complies within 60 days of the application date and processed in accordance with policy.

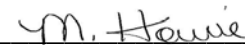
In this case, the Claimant applied for FAP benefits. The Department initiated processing and sent a Verification Checklist to the Claimant's address on record requesting verifications by May 28, 2013. The verifications were not received. The Verification Checklist was properly addressed and was not returned as undeliverable by the US Postal Service. Claimant testified that she did not receive the Verification Checklist, but received all other mail sent to the same address from the Department. The proper addressing and mailing of a letter creates a legal presumption that it was received. *Stacey v Sankovich*, 19 Mich App 688, 694 (1969). The evidence presented was insufficient to rebut the presumption. Notably, Claimant was also informed on the Notice of Case Action of the information needed to determine eligibility, yet there was no communication or verification received. Based on the evidence, the Department established it acted in accordance with policy when it denied Claimant's April 24, 2013 FAP application based on failure to provide verification necessary to determine eligibility.

Accordingly, the Department's determination is hereby, Upheld.

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 act properly. did not act properly when it denied Claimant's FAP benefits.

Accordingly, the Department's decision is hereby, **AFFIRMED**.



Michelle Howie
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 7/19/2013

Date Mailed: 7/19/2013

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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

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

MH/hw

cc:

