

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

**IN THE MATTER OF:**

██████████  
████████████████████  
████████████████████

Reg. No.: 2013-53289  
Issue No.: 3008  
Case No.: ██████████  
Hearing Date: July 17, 2013  
County: SSPC EAST

**ADMINISTRATIVE LAW JUDGE:** Zainab Baydoun

**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 three way telephone hearing was held on July 17, 2013, from Detroit, Michigan. Claimant appeared and testified. Participating on behalf of the Department of Human Services (Department) was ██████████ Departmental Manager, and ██████████, Assistance Payment Worker.

**ISSUE**

Did the Department properly deny Claimant's application for Food Assistance Program (FAP) benefits?

**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 5, 2013, Claimant submitted an expedited application for FAP benefits.
2. On May 7, 2013, the Department sent Claimant a Notice of Case Action informing her that she was approved for \$173.00 in FAP benefits for the period of April 5, 2013 through April 30, 2013. (Exhibit 3)
3. On May 7, 2013, the Department sent Claimant a Verification Checklist (VCL) for which Claimant was required to submit requested verifications by May 17, 2013. (Exhibit 1)

4. On May 7, 2013, the Department sent Claimant a Verification of Employment form for JETS and a Verification of Assets form for [REDACTED] which Claimant was to have completed and returned by May 17, 2013. (Exhibit 2).
5. On May 30, 2013 the Department sent Claimant a Notice of Case Action, denying her application for FAP benefits based on a failure to verify requested information. (Exhibit 3)
6. On June 18, 2013, Claimant filed a hearing request, disputing the Department's actions.

### **CONCLUSIONS OF LAW**

Department policies are found in the Department of Human Services 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 Mich Admin Code, Rule 400.3001-3015.

Additionally, verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (May 2012), p.1. To request verification of information, the Department sends a Verification Checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, pp. 2-3. FAP clients are given 10 calendar days to provide the verifications requested by the Department. Verifications are considered to be timely if received by the date they are due. BAM 130, p.5. The Department sends a negative action notice when the client indicates a refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 5.

In this case, Claimant applied for FAP benefits on April 5, 2013. The Department sent Claimant a VCL on May 7, 2013 in connection with her application for FAP benefits. (Exhibit 1). Verification of Claimant's checking and savings account information and verification of her wages was due to the Department on May 17, 2013. (Exhibit 1). The Department also sent Claimant Verification of Asset and Verification of Employment Forms that she was required to submit by May 17, 2013. (Exhibit 2). At the hearing, the Department testified that because Claimant did not provide the Department with the verifications that were requested, on May 30, 2013, it sent Claimant a Notice of Case Action, denying her application for FAP benefits based on a failure to verify requested information. (Exhibit 4). BAM 130, p.5.

At the hearing, Claimant acknowledged that she received the VCL and confirmed that she did not submit the requested verifications prior to May 17, 2013. Claimant stated that she contacted the Department to inform the Department that she had moved and

needed the forms resent because they had been misplaced. Claimant testified that she did not receive a return phone call from the Department and instead received a Notice of Case Action denying her application. The Department stated that after Claimant submitted a request for hearing, additional verification forms were sent to Claimant that were returned on July 17, 2013, after the due date; however, they were incomplete.

As such, the Department acted in accordance with Department policy when it denied Claimant's FAP application for failure to verify requested information.

### **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 in accordance with Department policy when it denied Claimant's application for FAP benefits based on a failure to verify requested information. Accordingly, the Department's decision is AFFIRMED.



**Zainab Baydoun**

Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: July 25, 2013

Date Mailed: July 25, 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:

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- 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

ZB/cl

cc: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]