

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

IN THE MATTER OF:

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

Reg. No.: 2013-57573
Issue No.: 3019
Case No.: ██████████
Hearing Date: August 12, 2013
County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 August 12, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ Eligibility Specialist, and ██████████, Assistant Payment Supervisor.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) benefits effective June 1, 2013, ongoing, due to his failure to comply with the verification requirements?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of FAP benefits. See Exhibit 1.
2. On March 12, 2013, the Department sent Claimant a Redetermination, which was due back by April 2, 2013. Exhibit 1.
3. On April 10, 2013, Claimant submitted a completed redetermination. Exhibit 1.
4. On April 18, 2013, the Department sent Claimant a Verification Checklist (VCL), which was due back by April 29, 2013. Exhibit 1.

5. Claimant never submitted the requested documentation.
6. On April 30, 2013, the Department sent Claimant a Notice of Case Action notifying him that his FAP benefits closed effective June 1, 2013, ongoing, due to his failure to comply with the verification requirements. Exhibit 1.
7. On July 8, 2013, Claimant filed a hearing request, protesting his FAP benefits. Exhibit 1.

CONCLUSIONS OF LAW

Department policies are contained 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 Mich Admin Code, R 400.3001 through R 400.3015.

As a preliminary matter, Claimant is disputing his June 2013 FAP benefits as well as partially his July 2013 FAP benefits. After the case closure on June 1, 2013, Claimant reapplied for FAP benefits and he received benefits for July 8, 2013, ongoing. See Notice of Case Action dated July 8, 2013, Exhibit 1. Claimant is not disputing this Notice of Case Action. However, he is disputing that he should have received FAP benefits from June 1, 2013, ongoing, during the time period it was closed.

In this case, Claimant was an ongoing recipient of FAP benefits. See Exhibit 1. On March 12, 2013, the Department sent Claimant a Redetermination, which was due back by April 2, 2013. Exhibit 1. On April 10, 2013, Claimant submitted a completed redetermination. Exhibit 1. On April 18, 2013, the Department sent Claimant a VCL, which was due back by April 29, 2013. Exhibit 1. Claimant never submitted the requested documentation. On April 30, 2013, the Department sent Claimant a Notice of Case Action notifying him that his FAP benefits closed effective June 1, 2013, ongoing, due to his failure to comply with the verification requirements. Exhibit 1.

Clients must cooperate with the local office in completing necessary forms for determining initial and ongoing eligibility. BAM 105 (March 2013), p. 5. The client must obtain required verification, but the Department must assist if they need and request help. BAM 130 (May 2012), p. 3. If neither the client nor the Department can obtain verification despite a reasonable effort, the Department uses the best available information. BAM 130, p. 3. If no evidence is available, the Department uses its best judgment. BAM 130, p. 3.

For FAP cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verification it requests. BAM 130, p. 5. Also for FAP cases, if the client indicates refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it, then policy directs that a negative action be issued. BAM 130, p. 5.

In the present case, the Department testified that based on the submitted redetermination, it sent Claimant a VCL on April 18, 2013 requesting verification of his rehabilitation services income. See Exhibit 1. It should be noted that the VCL was needed to determine Claimant's eligibility for both his cash and FAP benefits. See Exhibit 1.

Claimant acknowledged that he submitted his redetermination and also that he received the VCL request. Claimant testified that he brought the VCL to the rehabilitation services location. Claimant testified that they would not complete the paperwork and told him that the DHS office has to complete it. Claimant testified that he then went to his DHS office and received the opposite information that the rehabilitation services had to complete it. Moreover, Claimant testified that he did bring in paperwork to the Department in April 2013 from the rehabilitation services; however, Claimant testified that the Department needed an up-to-date report. Thus, Claimant testified that he did not complete the submitted paperwork due to the confusion. Moreover, Claimant testified that due to this confusion he did not want his State Disability Assistance (SDA) benefits and was only concerned about his FAP benefits. Claimant testified that the Department told him his FAP benefits continued because he had completed the paperwork.

Based on the foregoing information and evidence, the Department properly closed Claimant's FAP benefits effective June 1, 2013, ongoing. First, it appears there might have been confusion with the Claimant in regards to the Department requesting both the redetermination and VCL being submitted in the month of April 2013. Moreover, it appears that Claimant thought the VCL was only in regards to his SDA benefits. However, the VCL specifically stated that the documents were needed to determine Claimant's eligibility for both his cash and FAP benefits. See Exhibit 1. Claimant testified that he did not submit the required documentation. Second, Claimant testified the Department stated his FAP benefits continued because he appropriately completed the paperwork. However, Claimant failed to respond to the VCL request, which was sent after the redetermination was submitted. Nevertheless, Claimant failed to return the required documents. Thus, the Department properly closed Claimant's FAP benefits effective June 1, 2013, ongoing, due to his failure to comply with the verification requirements. BAM 130, p. 5.

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 when it closed Claimant's FAP benefits effective June 1, 2013, ongoing.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.



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

Date Signed: August 20, 2013

Date Mailed: August 20, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

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

EJF/cl

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]