

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2013-57829
Issue No.: 3008
Case No.: ██████████
Hearing Date: August 12, 2013
County: SSPC-EAST (98)

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 three-way 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) included ██████████, Department Manager, and ██████████ Eligibility Specialist.

ISSUE

Did the Department properly deny Claimant's Food Assistance Program (FAP) application effective May 16, 2013, ongoing, due to her 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. On May 16, 2013, Claimant applied for FAP benefits online.
2. On May 24, 2013, Claimant held an interview with the Department.
3. On May 24, 2013, the Department sent Claimant a Verification Checklist (VCL), a Verification of Employment, and a Shelter Verification, which were all due back by June 3, 2013. Exhibit 1.
4. Claimant never submitted the requested verifications.

5. On June 13, 2013, the Department sent Claimant a Notice of Case notifying her that her FAP application was denied effective May 16, 2013, due to her failure to comply with the verification requirements. Exhibit 1.
6. On June 26, 2013, Claimant filed a hearing request, protesting her FAP denial. 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.

In this case, on May 16, 2013, Claimant applied for FAP benefits online. On May 24, 2013, Claimant held an interview with the Department. On May 24, 2013, the Department sent Claimant a VCL, a Verification of Employment, and a Shelter Verification, which were all due back by June 3, 2013. Exhibit 1. The Department testified that it never received the requested verifications. On June 13, 2013, the Department sent Claimant a Notice of Case notifying her that her FAP application was denied effective May 16, 2013, due to her 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.

At the hearing, the Department testified that it never received the requested verifications. However, Claimant testified that she did submit the requested verifications. On or around May 29, 2013, Claimant testified she left a voicemail for the Department stating that she just received the VCL request and that she will be

submitting the documents late due to her just receiving the VCL request. On or around May 30, 2013, Claimant testified that she again contacted the Department stating that she obtained some of the requested verifications and will mail them as soon as possible. On or around June 3, 2013, Claimant testified that she mailed the Department all of the requested verifications. On or around June 11 or 12, 2013, Claimant testified that she spoke to the Department and learned that the Department did not receive any of her requested verifications. On or around June 26, 2013, Claimant spoke again with the Department and learned that verification documents were uploaded on June 16, 2013. Claimant testified that a DHS caseworker had uploaded these documents because she did not attempt to do that herself. On June 14, 2013, the Department testified that an old bank statement from November 2012 was uploaded. However, the Department testified that no other documents were uploaded. Claimant testified that she had phone records confirming that she contacted the Department multiple times, but she did not have them with her at the time of hearing.

Based on the foregoing information and evidence, the Department properly denied Claimant's FAP application effective May 16, 2013, ongoing, in accordance with Department policy. The Department credibly testified that it did not receive the requested verifications. Claimant testified that she mailed the verifications; however, the Department did not receive the requested verifications by the due date. BAM 130, p. 6. It appears an attempt was made to upload some documents, however, the Department credibly testified that it was only an old bank statement and no other documents were submitted. Moreover, Claimant testified that she contacted the Department multiple times; however, she failed to complete the necessary forms when determining her FAP eligibility. BAM 105, 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 denied her FAP application effective May 16, 2013, ongoing.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated above and 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]