

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

IN THE MATTER OF:

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

Reg. No.: 2013-59216
Issue No.: 3008
Case No.: ██████████
Hearing Date: August 15, 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 15, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Assistant Payment Supervisor.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) benefits effective July 1, 2013, ongoing, due to the 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 21, 2013, Claimant applied for FAP benefits online.
2. On May 30, 2013, a phone interview was completed with the Claimant.
3. On June 20, 2013, the Department sent Claimant a Verification Checklist (VCL), which was due back by July 1, 2013. Exhibit 1.
4. On June 21, 2013, Claimant was approved for expedited FAP benefits and the Department sent Claimant a Notice of Case Action regarding his approval. See Exhibit 1.

5. On June 21, 2013, the Notice of Case Action notified him that his FAP benefits were approved in the amount of \$70 for the time period of 5/21/2013 – 5/31/2013. Exhibit 1.
6. On June 21, 2013, the Notice of Case Action also notified Claimant that his FAP benefits were approved for the month of June 2013 in the amount of \$200. Exhibit 1.
7. Claimant never submitted the verifications by the due date.
8. On July 12, 2013, the Department sent a Notice of Case Action notifying Claimant that his FAP benefits closed effective July 1, 2013, ongoing, due to his failure to comply with the verification requirements. Exhibit 1.
9. On July 19, 2013, Claimant filed a hearing request, protesting the Department's action. 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.

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 this case, on May 21, 2013, Claimant applied for FAP benefits online. On May 30, 2013, a phone interview was completed with the Claimant. On June 20, 2013, the Department sent Claimant a VCL, which was due back by July 1, 2013. Exhibit 1. On

June 21, 2013, Claimant was approved for expedited FAP benefits and the Department sent Claimant a Notice of Case Action regarding his approval. See Exhibit 1. On June 21, 2013, the Notice of Case Action notified him that his FAP benefits were approved in the amount of \$70 for the time period of 5/21/2013 – 5/31/2013. Exhibit 1. On June 21, 2013, the Notice of Case Action also notified Claimant that his FAP benefits were approved for the month of June 2013 in the amount of \$200. Exhibit 1. The Department testified that Claimant never submitted the verifications by the due date. On July 12, 2013, the Department sent a Notice of Case Action notifying Claimant that his FAP benefits closed effective July 1, 2013, ongoing, due to his failure to comply with the verification requirements. Exhibit 1.

At the hearing, Claimant testified that he did receive the VCL; however, he testified that he received it late. Claimant testified that he was living at a different address. However, Claimant also testified that he did move into the current residence of where the VCL was addressed to two weeks after his application date of May 21, 2013. The Department presented Claimant's application as evidence, which showed the same mailing address that the VCL was sent. See Exhibit 1.

Based on the foregoing information and evidence, the Department properly closed Claimant's FAP benefits effective July 1, 2013, ongoing, in accordance with Department policy. The Department mailed the VCL to the address he listed on his application. See Exhibit 1. It appears that Claimant was in the process of moving at the time the VCL was sent. However, the Department appropriately sent the VCL to the address that Claimant had submitted at the time of application. See Exhibit 1. Claimant did not submit the required verifications. Claimant failed to complete the necessary forms to determine his ongoing FAP eligibility. BAM 105, p. 5; 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 properly closed Claimant's FAP benefits effective July 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 23, 2013

Date Mailed: August 23, 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]