

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

IN THE MATTER OF:



Reg. No.: 201358732
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: August 20, 2013
County: SSPC West

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 20, 2013. Claimant appeared and testified. Participants on behalf of the Department of Human Services (Department) included AP [REDACTED].

ISSUE

Did the Department of Human Services properly deny Claimant's Food Assistance Program (FAP) application because he failed to provide required verifications?

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 1, 2013, Claimant applied for Food Assistance Program (FAP) benefits.
2. On April 5, 2013, Claimant was certified for expedited benefits. Claimant was sent a Verification Checklist (DHS-3503) requesting verification of self-employment income and a family contribution Claimant reported. The required verifications were due on April 15, 2013.
3. On April 15, 2013, Claimant returned the self-employment information only.
4. On June 25, 2013, the Department had not received verification of the donation or contribution from a family member. The Department sent Claimant a Notice of Case Action (DHS-1605) which stated his Food Assistance Program (FAP) would close on August 1, 2013.

5. On July 5, 2013, Claimant filed a hearing request.

CONCLUSIONS OF LAW

Department 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 AACR 400.3001-3015

During the hearing Claimant did not dispute the failure to provide verification of a family member contribution. Claimant testified that he thought he had provided everything the Department needed. Claimant testified that he asked about getting verification of the payments from those who paid him for his work and was told not to worry about it. Review of the Verification Checklist (DHS Form 3503) shows that the language used regarding the family contribution says that the verification required is “donation or contribution from an individual outside the Group. For the required proof the form says “letter or document from person/agency making payment.”

While the language for the requested proof says “payment” the verification is for “donation or contribution”. Payment for work is not a donation or contribution. The Verification Checklist (DHS Form 3503) provided Claimant sufficient notice of what was required.

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 of Human Services properly denied Claimant’s Food Assistance Program (FAP) application because he failed to provide required verifications.

It is ORDERED that the actions of the Department of Human Services, in this matter, are **UPHELD**.

/s/

Gary F. Heisler
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 08/27/2013

Date Mailed: 08/27/2013

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

GFH/sw

cc:

