

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-2902
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: November 7, 2013
County: Macomb #20

ADMINISTRATIVE LAW JUDGE: Landis Y Lain

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on November 7, 2013, from Lansing, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], eligibility specialist.

ISSUE

Did the Department properly deny Claimant's application for Food Assistance Program (FAP) benefits based upon its determination that Claimant failed to provide verification information?

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 June 27 2013 Claimant probably application for food assistance program benefits.
2. On July 3, 2013 the Department caseworker sent Claimant a verification checklist, requesting that Claimant provide proof of [REDACTED] information and other earned income, with the information due July 15, 2013.
3. On September 19, 2013 the Department caseworker determined that she had received proof of Claimant's [REDACTED] but had not received the other earned income information from Claimant's [REDACTED] payments.

4. On September 19, 2013, the department caseworker sent Claimant notice that his application was denied for failure to provide verification information.
5. On September 30, 2013 Claimant filed a request for a hearing to contest the Department's negative action.
6. The Claimant conceded on the record that his [REDACTED] was giving him [REDACTED] to pay his [REDACTED] benefits and he was putting it into his [REDACTED] and paying [REDACTED] with a [REDACTED]. He did not provide the department with verification information of the [REDACTED] that he was given from his [REDACTED].

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. Tell the client what verification is required, how to obtain it, and the due date; see **Timeliness of Verifications** in this item. Use the DHS-3503. BAM 105, pages 1-2. Allow the client 10 calendar days (or other time limit specified in policy) to provide the verification you request. BAM 130, page 5.

In the instant case, Claimant conceded on the record that he did not provide the department with proof of the monies that he was given to pay his COBRA benefits with. He stated on the record that it was an error and that he made a mistake.

The Administrative Law Judge finds the Claimant's testimony to be credible and, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did act in accordance with Department policy when satisfied its burden of showing that it acted in accordance with Department policy when it denied Claimant's application for failure to provide verification information.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

/s/ _____
Landis Y. Lain
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 11/12/13

Date Mailed: 11/13/13

NOTICE OF APPEAL: 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.

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).

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

2014-2902/LYL

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

LYL/tb

cc:

