

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

**IN THE MATTER OF:**

██████████  
██████████████████  
██

Reg. No.: 2014-4563  
Issue No.: 2000; 3008  
Case No.: ██████████  
Hearing Date: November 18, 2013  
County: Wayne (19)

**ADMINISTRATIVE LAW JUDGE:** Eric Feldman

**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 18, 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.

**ISSUE**

Did the Department properly close Claimant's Food Assistance Program (FAP) benefits effective October 1, 2013, ongoing, due to Claimant's 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 and her sons were ongoing FAP recipients.
2. On August 1, 2013, the Department sent Claimant a Semi-Annual Contact Report (hereinafter referred to as "contact report"), which was due back by September 1, 2013. Exhibit 1.
3. On August 15, 2013, Claimant submitted the contact report, which indicated that one of her son's had quit his job. See Exhibit 1.

4. On September 11, 2013, the Department sent Claimant a Verification Checklist (VCL) and Verification of Employment, which was due back by September 23, 2013. See Exhibit 1.
5. On September 25, 2013, Claimant submitted the Verification of Employment; however, it was not completed by her son's former employer. See Exhibit 1.
6. On September 30, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FAP benefits closed effective October 1, 2013, ongoing, due to her failure to comply with the verification requirements. Exhibit 1.
7. On October 7, 2013, Claimant filed a hearing request, protesting the FAP case closure and her Medical Assistance (MA) benefits. See Exhibit 1.

### **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.

As a preliminary matter, Claimant also requested a hearing to dispute her MA benefits. See Exhibit 1. However, during the hearing, Claimant testified that she is no longer disputing her MA benefits. Thus, Claimant's MA hearing request is hereby DISMISSED.

In the present case, Claimant and her sons were ongoing FAP recipients. On August 1, 2013, the Department sent Claimant a contact report, which was due back by September 1, 2013. Exhibit 1. On August 15, 2013, Claimant submitted the contact report, which indicated that one of her son's had quit his job. See Exhibit 1. Thus, on September 11, 2013, the Department sent Claimant a VCL and Verification of Employment, which was due back by September 23, 2013. See Exhibit 1. Specifically, the Department requested verification of her son's loss of employment. See Exhibit 1. On September 25, 2013, Claimant submitted the Verification of Employment; however, it was not completed by her son's former employer. See Exhibit 1. Claimant completed the form indicating her son was laid off; there was no last paycheck, and she stated that he is not working. See Exhibit 1. On September 30, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FAP benefits closed effective October 1, 2013, ongoing, due to her failure to comply with the verification requirements. Exhibit 1.

Additionally, Claimant and the Department spoke to one another at the end of September 2013 or early October 2013. The Department testified that it first learned during the phone conversation that the employer refused to complete the verification. The Department testified that it requested from Claimant to reapply, provide a statement, and her son's last paycheck as verification. The Department testified that it received his last paycheck and statement from her son stating he is no longer employed on October 21, 2013.

At the hearing, Claimant testified that once she received the VCL, she went to her son's employer in an attempt to have the loss of employment completed. However, Claimant testified that her son's employer refused to complete the form. Therefore, Claimant testified that she completed the form herself and sent it to the Department. Claimant agreed that she spoke to the Department at the end of September 2013 and notified the Department that her son's employer refused to complete the verification. Claimant also agreed that she eventually submitted her son's last paycheck and a letter from her son to the Department on October 21, 2013.

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (July 2013), p. 6. This includes completion of necessary forms. BAM 105, p. 6.

At application, redetermination, semi-annual contact and mid-cert contact, the Department checks all available automated systems matches to see if income has stated, stopped, or changed. BAM 105, pp. 13-14. The Department does not deny or terminate assistance because an employer or other source refuses to verify income. BAM 105, p. 14; See BAM 210 (July 2013), p. 15.

The Department sends a DHS-1046, Semi-Annual Contact Report, the beginning of the fifth month for cases assigned a 12-month benefit period. BAM 210, p. 9. A report is considered complete when all of the sections (including the signature section) on the DHS-1046 and the DHS 2240-A are answered completely and required verifications are returned by the client or client's authorized representative. BAM 210, p. 9.

For FAP cases, verifications must be provided by the end of the current benefit period or within 10 days after they are requested, whichever allows more time. BAM 210, p. 14. However, the Department sends a negative action notice when: 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. BAM 130 (July 2013), p. 6.

Based on the foregoing information and evidence, the Department improperly closed Claimant's FAP case effective October 1, 2013, ongoing, in accordance with Department policy. For FAP cases, verifications must be provided by the end of the current benefit period or within 10 days after they are requested, whichever allows more time. BAM 210, p. 14. Claimant had until September 30, 2013, to submit verification of her son's loss of employment. On September 25, 2013, Claimant submitted a Verification of Employment; however, it was completed by the Claimant and not the

employer. See Exhibit 1. Thus, the Department closed Claimant's FAP case effective October 1, 2013, ongoing, due to her failure to comply with the verification requirements. It should be noted that on the Verification of Employment, Claimant indicated that her son was laid off; there was no last paycheck, and she stated that he is not working. See Exhibit 1. Claimant did not indicate, though, on this form that her son's employer refused to complete it. The Department sends a negative action notice when: 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*. BAM 130, p. 6 (emphasis added). Based on the above policy, Claimant made a reasonable effort to provide the verification requested and she also made this reasonable effort before the time period had elapsed. On September 25, 2013, Claimant made a reasonable effort by completing the verification herself because her son's employer refused to complete it. Even though the form was not completed by the employer, Claimant made the reasonable effort of completing the form herself to indicate that her son was no longer working. Moreover, this form was submitted on September 25, 2013, which is before the time period had elapsed (September 30, 2013). Additionally, Claimant spoke to the Department at the end of September 2013 or early October 2013, in which she indicated that the employer refused to complete the form. In summary, Claimant made a reasonable effort in providing the verifications requested and submitted such an attempt before the time period had elapsed. BAM 130, p. 6. Thus, the Department will reinstate her FAP case and determine her FAP eligibility.

### **DECISION AND ORDER**


The Administrative Law Judge, 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 not act in accordance with Department policy when it improperly closed Claimant's FAP benefits effective October 1, 2013, ongoing.

Accordingly, the Department's FAP decision is REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Claimant's FAP case as of October 1, 2013, ongoing;
2. Begin recalculating the FAP budget for October 1, 2013, ongoing in accordance with Department policy;
3. Issue supplements to Claimant for any FAP benefits she was eligible to receive but did not from October 1, 2013, ongoing; and
4. Notify Claimant in writing of its FAP decision in accordance with Department policy.

It is ALSO ORDERED that Claimant's MA hearing request is DISMISSED.



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

Date Signed: November 20, 2013

Date Mailed: November 20, 2013

**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

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]