

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-5426
Issue No(s): 3008
Case No.: [REDACTED]
Hearing Date: November 20, 2013
County: Macomb-20

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 20, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED] the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED] Eligibility Specialist.

ISSUE

Did the Department properly deny the Claimant's Food Assistance Program (FAP) application based on a 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 or about August 30, 2013, the Claimant applied for FAP.
2. On September 18, 2013, a Verification Checklist was issued to the Claimant stating what proofs were needed by the September 30, 2013, due date. (Exhibit A, pages 5-6)
3. The Claimant submitted verifications to the Department, including a current bank statement.
4. On September 27, 2013, the Department issued a Notice of Case Action to the Claimant stating the FAP application was denied because the Claimant refused to submit a bank statement. (Exhibit A, pages 3-4)
5. On October 17, 2013, the Claimant filed a request for hearing protesting the Department's action. (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.

Additionally, a Claimant must cooperate with the local office in determining initial and ongoing eligibility, including completion of necessary forms, and must completely and truthfully answer all questions on forms and in interviews. BAM 105.

Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. Verifications are considered timely if received by the date they are due. For FAP, the Department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested verification. The Department worker must tell the client what verification is required, how to obtain it, and the due date. BAM 130.

For FAP, if the client contacts the Department prior to the due date requesting an extension or assistance in obtaining verifications, the Department must assist them with the verifications but not grant an extension. The Department worker must explain to the client they will not be given an extension and their case will be denied once the due date is passed. Also, the Department worker shall explain their eligibility and it will be determined based on their compliance date if they return required verifications. BAM 130. The Department must re-register the application if the client complies within 60 days of the application date. See BAM 115 & BAM 130.

On September 18, 2013, a Verification Checklist was issued to the Claimant stating what proofs were needed by the September 30, 2013, due date. The listed requested proofs were for: identity; wages, salaries, tips, and commissions; and home rent. The only mention of bank information was in the comments section, which stated "submit a copy of your current checking and savings account." (Exhibit A, pages 5-6)

The Eligibility Specialist testified that the Claimant submitted the requested verifications of identity, wages, and home rent as well as a bank statement from 1st State Bank. However, the Eligibility Specialist testified that the Department's computer system showed that the Claimant had an account with Kemba Credit Union. No current bank statement, nor verification that the account had closed, was submitted regarding Kemba Credit Union. Accordingly, the Notice of Case Action was issued denying the Claimant's FAP application based on the refusal to submit a bank statement. (Exhibit A, pages 3-4)

The Claimant noted that the Verification Checklist only requested a copy of current checking and saving account, which was submitted. The Claimant testified that the [REDACTED] account closed in 2010. This account was related to her past employment at [REDACTED] and the Credit Union was out of state. The Claimant stated she had a prior FAP case, which closed in April 2013. The Claimant explained that for her FAP prior case, once the [REDACTED] account closed she had been submitting banking verifications from [REDACTED]. Accordingly, for the last three years of the prior FAP case, the Claimant's banking verifications were from [REDACTED]. The Claimant also testified that she previously provided verification that the [REDACTED] account closed to the Department. The Claimant questioned why the Department is asking for something from three years ago.

The Department's determination to deny the Claimant's FAP application based on refusal to provide a bank statement cannot be upheld. On the September 18, 2013, Verification Checklist, the only place bank information was mentioned was in the comments section. In the comment, the Department specifically requested a copy of current checking and savings account. (Exhibit 1, pages 5-6) It was uncontested that the Claimant provided verification of her current bank account with [REDACTED]. There was no request made to verify any past banking accounts had closed. Further, it is noted that the Department did not indicate what types of proof could be submitted for the bank accounts, as was provided for the listed requested proofs. (Exhibit 1, pages 5-6)

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 denied the Claimant's FAP application based on a refusal to submit a bank statement.

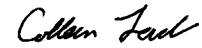
DECISION AND ORDER

Accordingly, the Department's 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 and re-process the Claimant's FAP application in accordance with Department policy.

2. Issue the Claimant any supplement that she may thereafter be due.



Colleen Lack
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: November 26, 2013

Date Mailed: November 26, 2013

NOTICE OF APP EAL: 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.

2014-5426/CL

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

CL/las

cc:

