

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-5639
Issue No(s): [REDACTED]
Case No.: [REDACTED]
Hearing Date: November 7, 2013
County: DHS-SSPC-West

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 three way telephone hearing was held on November 7, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED], the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly close the Claimant's Food Assistance Program (FAP) case because requested verifications were not returned?

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 August 30, 2013, the Claimant applied for FAP benefits.
2. On September 4, 2013, a phone interview was completed and expedited FAP benefits were approved for the Claimant.
3. On September 4, 2013, a Verification Checklist was issued to the Claimant stating what proofs were needed by the September 16, 2013 due date. (Exhibit 1, pages 6-8)
4. On September 16, 2013, The Department received some of the requested verifications from the Claimant.
5. On September 26, 2013, the Claimant's FAP case was closed because the requested work study wage verification was not received.

6. On September 26, 2013 a Notice of Case Action was mailed to the Claimant stating the FAP case would close effective October 1, 2013, because verification of earned income payment was not returned. (Exhibit 1, pages 9-11)
7. On October 16, 2013, the Claimant filed a request for hearing contesting the Department's actions. (Exhibit 1, page 3)

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.

The Eligibility Specialist testified that on August 30, 2013, the Claimant applied for FAP benefits. On September 4, 2013, a phone interview was completed and expedited FAP benefits were approved for the Claimant.

Additionally, on September 4, 2013, a Verification Checklist was issued to the Claimant stating what proofs were needed by the September 16, 2013 due date. (Exhibit 1, pages 6-8) In part, the Department requested verification of work study wages and

listed several acceptable types of proof, including check stubs or earning statements, employer statement or Departmental verification of employment forms. Further, the comments on the first page of the Verification Checklist, in part, state "You will need to send verifications of all gross income/wages or lack of, for dates ranging from 8/30/13 to 9/16/13." (Exhibit 1, pages 6-7)

On September 16, 2013, the Department received some of the requested verifications including the lease, bank statement and a financial aid award letter verifying approval of work study. (Exhibit 1, pages 12-14) However, the Eligibility Specialist explained that no verification of the work study wages was received. Accordingly, the Claimant's FAP case was closed based on failure to provide the requested verification of work study wages.

The Claimant testified that this was her first time applying and she was uneducated about the process. The Claimant misunderstood what documentation was needed and stated she should have called to clarify and verify that the Department received everything that was needed. The Claimant just recently received the documentation the Department needed.

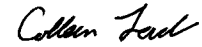
The Eligibility specialist testified that the Claimant would need to re-apply for FAP because it has been more than 60 days since the Claimant's August 30, 2013, FAP application.

The Verification Checklist, in part, requested verification of the Claimant's work study wages explaining what type of proof was needed. It was specified that verification of all gross income/wages or lack of, for dates ranging from 8/30/13 to 9/16/13 were needed. (Exhibit 1, pages 6-8) Only verification that work study was approved was submitted, but not verification of the Claimant's work study wages for the requested time period. The needed and requested verification of the Claimant's work study wages was not returned by the due date listed on the Verification Checklist or within 60 days of the Claimant's FAP application. Accordingly, the closure of the Claimant's FAP case must be upheld.

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 acted in accordance with Department policy when it closed the Claimant's FAP case.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



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

Date Signed: 11/15/2013

Date Mailed: 11/15/2013

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.

2014-5639/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:

