

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-5663
Issue No(s): [REDACTED]
Case No.: 101985744
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], Assistance Payments Worker.

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 19, 2013, the Claimant applied for FAP benefits.
2. On August 27, 2013, a phone interview was completed and expedited FAP benefits were approved for the Claimant.
3. On August 27, 2013, a Verification Checklist was issued to the Claimant stating what proofs were needed by the September 6, 2013 due date. (Exhibit 1, pages 8-10)
4. On August 30, 2013, The Department received some of the requested verifications from the Claimant.

5. On September 12, 2013, the Department determined that the Claimant's FAP case would be closed because requested bank statements were not received.
6. On September 12, 2013, a Notice of Case Action was mailed to the Claimant.
7. On September 19, 2013 and September 25, 2013, the Claimant submitted additional verifications, including documentation from two banking or financial institutions.
8. The Department did not reinstate the Claimant's FAP case because a complete verification was not submitted for one of the outstanding bank statements.
9. On October 10, 2013, the Claimant filed a request for hearing contesting the Department's actions.

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 Assistance Payments Worker testified that on August 19, 2013, the Claimant applied for FAP benefits. On August 27, 2013, a phone interview was completed and expedited FAP benefits were approved for the Claimant. Additionally, on August 27, 2013 a Verification Checklist was issued to the Claimant stating what proofs were needed by the September 6, 2013 due date. (Exhibit 1, pages 8-10)

The Assistance Payments Worker testified that on August 30, 2013, some of the requested verifications were received from the Claimant. (See Exhibit 1, pages 11-48) However, the requested bank statements were not received. The Assistance Payments Worker stated that on September 12, 2013, it was determined that the Claimant's FAP case would be closed because requested bank statements were not received.

The Assistance Payments Worker testified that on September 19, 2013, and September 25, 2013, the Claimant submitted additional verifications, including information from two banking or financial institutions. (Exhibit 1, pages 49-62) However, one of the submitted banking proofs was not considered a complete verification because it only had the Claimant's first name on it. (Exhibit 1, pages 59-60) Accordingly, the Assistance Payments Worker testified the Department could not reinstate the Claimant's FAP case.

The Assistance Payments Worker's testimony indicated that after 60 days from the August 19, 2013 application date had passed, the Claimant re-applied for FAP, and has been approved with ongoing benefits. There is only a gap of about 8 days in October 2013 from when the expedited benefits closed and the current FAP case opened.

The Claimant testified that she was unexpectedly laid off when she applied for FAP benefits and she tried to get everything in that was requested. The Claimant submitted the banking documentation at issue to the Department as she received it from the drive thru at the bank. The Claimant stated she was not aware of what more was specifically needed, just that her bank statements were requested.

The Verification Checklist requested verification of savings account/Christmas club account and checking account indicating either a current statement from the bank or financial institution, or a DHS 20 Verification of Assets would be acceptable proof. The comments on the first page of the Verification Checklist, in part, state "banking information must include your name, account number, institutions name, monthly transactions and current balance." (Exhibit 1, pages 8-9) No DHS 20 Verification of Asset forms were returned. (Exhibit 1, pages 11-62) Further, the submitted Isabella Community Credit Union "Account Summary" contains very minimal information, which does not include account numbers, monthly transactions, or the Claimant's full name. Rather, one of the three listed accounts is named checking and the other two accounts are identified by the Claimant's first name. (Exhibit 1, pages 59-60) This is not a bank statement and does not contain all the information typically included on a banking statement. Further, the Claimant's name is not uncommon. The "Account Summary"

listing only the first name of the Claimant did not contain sufficient information to provide verification of the Claimant's savings and checking accounts at this financial institution. The evidence indicates that the needed and requested verification of the Claimant's checking and savings accounts was not returned by the due date listed on the Verification Checklist or within 60 days of the Claimant's FAP application. Accordingly, the September 19, 2013 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 on September 19, 2013.

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: 11/15/13

Date Mailed: 11/15/13

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

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:

