

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

**IN THE MATTER OF:**

████████████████████  
████████████████████  
████████████████████

Reg. No.: 2014-5938  
Issue No.: 3008  
Case No.: ██████████  
Hearing Date: November 14, 2013  
County: Wayne (18)

**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 14, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ Family Independence Manager, and ██████████ Eligibility Specialist.

**ISSUE**

Did the Department properly close Claimant's Food Assistance Program (FAP) benefits effective October 1, 2013, ongoing, due to the 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 was an ongoing recipient of FAP benefits.
2. On August 1, 2013, the Department sent Claimant a Semi-Annual Contact Report, which was due back by September 1, 2013. See Exhibit 1.
3. On August 27, 2013, Claimant submitted the semi-annual form, which indicated that her husband's employment had ended and that she received reduced hours at her employment. See Exhibit 1.

4. On September 17, 2013, the Department sent Claimant a Verification Checklist (VCL) and Verification of Employment for both Claimant and her husband, which had a due date of September 27, 2013. See Exhibit 1.
5. The Department never received the requested verifications by the due date.
6. On September 30, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FAP benefits would close 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.
8. On October 7, 2013, Claimant also submitted her pay stubs dated September 13 and 27, 2013.

### **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 indicated on her hearing request that she wanted to continue receiving the amount of Food Assistance that she is now receiving until a hearing is decided. See Exhibit 1. It was discovered during the hearing that Claimant did continue receiving her ongoing FAP benefits.

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.

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 (July 2013), p. 8. 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. If an expense has changed and the client does not return proof of the expense, but all of the sections on the report are answered completely, remove the expense from

the appropriate data collection screen in the system before running eligibility determination and benefit calculation (EDBC). BAM 210, p. 9.

The semi-annual contact report must be recorded, data collection updated and EDBC results certified in the system by the last day of the sixth month of the benefit period to affect benefits no later than the seventh month. BAM 210, p. 9. The contact is met by receipt of a completed DHS-1046 and required verifications. 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. If the 10th day falls on a weekend or holiday, the verification will not be due until the next business day. BAM 210, p. 14.

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.

It should be noted that the Work Number is not an automated system match which must be checked at application, redetermination, semi-annual or mid-certification contact. BAM 210, p. 15. The client has primary responsibility for obtaining verification. BAM 210, p. 15. However, if for example, verification of income is not available because the employer uses the Work Number and won't provide the employment information, it is appropriate to use the Work Number. BAM 210, p. 15. The Department does not deny or terminate assistance because an employer or other source refuses to verify income. BAM 210, p. 15.

It should also be noted that for FAP only, 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 do not grant an extension. BAM 130, p. 6. Explain to the client they will not be given an extension and their case will be denied once the VCL due date is passed. BAM 130, p. 6.

In this case, Claimant was an ongoing recipient of FAP benefits. On August 1, 2013, the Department sent Claimant a Semi-Annual Contact Report, which was due back by September 1, 2013. See Exhibit 1. On August 27, 2013, Claimant submitted the semi-annual form, which indicated that her husband's employment had ended and that she received reduced hours at her employment. See Exhibit 1. On September 17, 2013, the Department sent Claimant a VCL and Verification of Employment for both her and her husband, which had a due date of September 27, 2013. See Exhibit 1. The Department never received the requested verifications by the due date. On September 30, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FAP benefits would close effective October 1, 2013, ongoing, due to her failure to comply with the verification requirements. Exhibit 1. On October 7, 2013, Claimant filed a hearing request, protesting the FAP case closure. On October 7, 2013, Claimant also submitted her pay stubs dated September 13 and 27, 2013.

At the hearing, Claimant testified that she received the VCL on September 19, 2013. Claimant testified that she provided the Verification of Employment to her employer to complete on September 20, 2013. Claimant testified that she also went to her husband's former employer to have the loss of employment completed. However, Claimant testified that her husband's former employer refused to complete the form due to different management. Claimant testified that she checked with her employer on the status of the verification on or around September 25, 2013; however, the form was not yet completed. On September 27, 2013, Claimant testified that she again checked the status of the verification form from her employer and they still did not complete it. Thus, Claimant contacted her DHS caseworker on September 27, 2013. Claimant testified that she left a voicemail for her caseworker explaining that her employer did not complete the form, her husband's employer refused to complete the form, and she does, though, have her pay stubs to submit. Claimant testified that she never received a call back from her caseworker. It should be noted that the Department testified that it never received a voicemail from the Claimant.

Subsequent to her alleged phone call, Claimant testified that she received the Notice of Case Action in which it notified her of the FAP case closure. Claimant agreed that when she submitted her hearing request, she also provided her pay stubs on October 7, 2013.

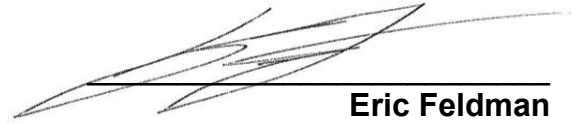
Based on the foregoing information and evidence, the Department properly closed Claimant's FAP case effective October 1, 2013, ongoing, in accordance with Department policy. It is evident that Claimant had difficulty in obtaining her husband's loss of employment. However, the VCL also requested proof of Claimant's income. See Exhibit 1. The VCL only requires the Claimant to submit one of the following requested proofs: last 30 days of check stubs or earnings statements; employer statement; verification of employment; or agricultural income verification. See Exhibit 1. Even though Claimant had difficulty in obtaining her verification of employment from her human resources, Claimant failed to submit her pay stubs, which would have fulfilled her income verification requirement. Claimant is alleging that she contacted the Department, however, Claimant ultimately failed to submit her pay stubs to the Department by the due date. BAM 210, p. 14; BAM 130, p. 6. Claimant eventually submitted her pay stubs on October 7, 2013, which is after the due date.

In summary, Claimant failed to submit her verification of income and her husband's loss of employment. Claimant did not complete the necessary forms to determine her ongoing FAP eligibility. BAM 105, p. 6.

### **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 act in accordance with Department policy when it closed Claimant's FAP case effective October 1, 2013, ongoing.

Accordingly, the Department's FAP decision is AFFIRMED.



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

Date Signed: November 18, 2013

Date Mailed: November 18, 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]