

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2014-6415  
Issue No(s): 3008  
Case No.: [REDACTED]  
Hearing Date: November 13, 2013  
County: DHS SSPC Central

**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 13, 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], Hearing Coordinator and Eligibility Specialist.

**ISSUE**

Did the Department properly determine the Claimant's Food Assistance Program (FAP) application could not be re-instated based on failure to return requested verifications?

**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 3, 2013, the Claimant applied for FAP. (Exhibit A, page 14)
2. On September 3, 2013, a Verification Checklist was issued to the Claimant stating what proofs were needed by the September 13, 2013 due date. (Exhibit A, pages 5-6)
3. On September 12, 2013, an interview was completed with the Claimant.
4. On October 1, 2013, the Claimant submitted most of the requested verifications.
5. On October 3, 2013, the Department issued a Notice of Case Action to the Claimant stating the FAP application was denied for failure to complete the interview requirement. (Exhibit A, pages 7-11)

6. On October 11, 2013, the Claimant filed a hearing request contesting the Department's denial because the interview had been completed on September 12, 2013.
7. The Department did not reinstate the Claimant's FAP application because there were still missing verifications.
8. On October 16, 2013, the Department issued a Benefit Notice to the Claimant stating the FAP application was denied because the asset verifications for [REDACTED] bank accounts were not complete.

### **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 Department acknowledged that the October 3, 2013 denial for failure to complete the required interview was an error because the interview had been completed on September 12, 2013. The worker was going to re-instate the Claimant's FAP application because verifications were returned on October 1, 2013, but it was noticed that the [REDACTED] statement for only one of the accounts at [REDACTED]. The Department also noted that the Claimant works at [REDACTED] (Exhibit A, page 1). Accordingly, the second denial notice was issued on October 16, 2013, with a correct denial reason, the verifications for assets were not complete for the accounts at [REDACTED] (Exhibit A, pages 12-13).

The Claimant noted the Department's delays in initial processing of her application as well as issues with scheduling and completing the interview. The Claimant acknowledged that she received the September 3, 2013, verification checklist. The Claimant stated that during the interview she explained the delay in providing verifications. The Claimant is paid by direct deposit and had to get printed verification from the payroll computer system, which was down for over a month. The Claimant testified she did not check the [REDACTED] verification to make sure it was complete before she submitted it to the Department. The Claimant has multiple accounts, but they show as one on the online banking. Therefore, the Claimant assumed it was all included in what she submitted to the Department. During a phone conversation, the Claimant asked the Department to re-instate the case and stated she would provide the needed information. However, the Department worker told the Claimant the additional verification could not be re-submitted at that time. The Claimant feels it is not fair because she tried to rectify the situation as soon as possible. The Claimant explained that she works, attends school, and is involved in a plethora of organizations so she does not have time to check over everything. The Claimant also noted that while she works at [REDACTED] she would be fired for accessing her own account information when she is working.

The Eligibility Specialist testified that the Department understood the delay related to the pay stubs and the Claimant was not penalized for this. The Eligibility Specialist stated that if complete verifications had been submitted within the 60 day timeframe, the Department would have reinstated the application.

The Eligibility Specialist and this ALJ must apply the Department's policy as written. This ALJ has no authority to change or make exceptions to the policy, nor is there any equitable jurisdiction. The above cited BAM 115 and 130 policy is clear that a FAP application can be reinstated if the verifications are submitted within 60 days of the application. The Claimant applied for FAP on Saturday, August 3, 2013. (Exhibit A, page 14) If an application is filed electronically after close of business (such as weekends, holidays, or after 5 p.m. EST on business days), the date of application is the following business day. BAM 110. Accordingly, the Department properly utilized August 5, 2013, as the application date. (Exhibit A, page 1) The Claimant acknowledged that she received the September 3, 2013, Verification Checklist, which requested verification of checking and savings accounts by September 13, 2013. (Claimant Testimony and Exhibit A, pages 5-6) The Claimant did not provide any

verifications to the Department until October 1, 2013, and she did not check over the PNC bank information to make sure it was complete before submitting it. (Eligibility Specialist and Claimant Testimony) There is no evidence that the Claimant provided the Department with complete verification of her accounts with [REDACTED] [REDACTED] within 60 days of August 5, 2013. Accordingly, the Department's determination that the Claimant's FAP application could not be re-instated based on failure to return requested verifications 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 determined the Claimant's FAP application could not be re-instated based on failure to return requested verifications.

### **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: 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

CL/las

cc:

