

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2014-7289  
Issue No(s): 3008  
Case No.: [REDACTED]  
Hearing Date: November 21, 2013  
County: Macomb-12

**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 21, 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. The Claimant was an ongoing recipient of FAP benefits.
2. The Claimant's FAP case was due for Redetermination.
3. On September 11, 2013, a Verification Checklist was issued to the Claimant stating Checking Account verification was needed by the September 23, 2013, due date. (Exhibit 1)
4. The Claimant submitted the requested verification to the Department, specifically a current bank statement from Chase. (Exhibit 3)
5. On October 2, 2013, the Department issued notice to the Claimant stating the FAP case would close effective October 1, 2013, because the Claimant failed to provide verification of a previously reported account with [REDACTED].

6. On October 18, 2013, the Claimant filed a request for hearing protesting the Department's action.

### **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 Michigan 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.

On September 11, 2013, a Verification Checklist was issued to the Claimant stating Checking Account verification was needed by the September 23, 2013, due date. The Claimant was instructed to return one of the listed types of requested proof, a "current statement from bank or financial institution" or a "DHS 20 Verification of Assets." (Exhibit 1) The Claimant submitted a current statement from Chase bank. (Exhibit 3)

The Eligibility Specialist testified that the Claimant had not previously reported an account with ██████ bank. Rather, the Eligibility Specialist testified that the Department showed an account with ██████ bank. The Eligibility Specialist testified the Claimant's FAP case was closed because no verification was provided for ██████. However, the Department's exhibits only indicate a prior submission of bank verification from ██████ bank for the Claimant. (Exhibits 2 and 4) Even after reviewing the

case file, the Eligibility Specialist was unable to state how the Department was aware of a [REDACTED] account for the Claimant.

The Claimant credibly testified that he does not have a checking account with [REDACTED]. The Claimant explained that his employer requires either direct deposit or that earnings are put on a credit card. The funds on the Claimant's [REDACTED] [REDACTED] are from payroll. The Claimant stated he cannot deposit additional funds or earn interest on this account like a checking or savings account. [REDACTED] also does not issue statements for this account. However, the Claimant requested a statement from [REDACTED].

The Eligibility Specialist confirmed that the Claimant brought the [REDACTED] Statement, a copy of the payroll authorization form and a copy of the [REDACTED] [REDACTED] with him for the November 21, 2013 hearing proceedings.

The Department's determination to close the Claimant's FAP application based on failure to provide a bank statement from [REDACTED] cannot be upheld. On the September 11, 2013, Verification Checklist, checking account verification was requested and a current statement was listed as an acceptable proof. The Claimant submitted a current statement from [REDACTED] bank for his checking account. (Exhibit 3) The Eligibility Specialist was unable to state what the basis was for the Department's belief that the Claimant had a current checking account with [REDACTED]. Further, the Claimant provided credible substantial evidence that he does not have a checking account with [REDACTED]. Rather, the Claimant's payroll earnings are put onto a [REDACTED] [REDACTED].

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed the Claimant's FAP case based on failure to provide verification of a Comerica bank account.

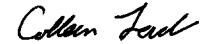
### **DECISION AND ORDER**

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 the Claimant's FAP case retroactive to October 1, 2013, and re-process in accordance with Department policy.

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



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**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.

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:

