

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

IN THE MATTER OF:

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Reg. No.: 2014-7674
Issue No.: 3008
Case No.: ██████████
Hearing Date: November 20, 2013
County: Wayne (82-19)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 20, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant ██████████ ██████████. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████.

ISSUE

Did the Department properly deny Claimant's application for Food Assistance Program (FAP) benefits?

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 28, 2013, Claimant applied for FAP benefits.
2. On September 9, 2013, the Department sent Claimant a Verification Checklist (VCL) requesting verification of employment for two employers and of a checking account by September 19, 2013.
3. Claimant submitted an incomplete Verification of Employment (VOE) for one of the requested employers on September 12, 2013.
4. On September 30, 2013, the Department sent Claimant a Notice of Case Action denying her FAP application.

5. On October 17, 2013, Claimant filed a request for hearing disputing 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 Mich Admin Code, R 400.3001 to .3015.

Additionally, in a September 30, 2013, Notice of Case Action, the Department denied Claimant's August 28, 2013, FAP application because she failed to return verification of earned income and a checking account.

At the hearing, the Department testified that, although Claimant did not report any income in her application, in connection with processing Claimant's application, it became aware that Claimant had earned income in the second quarter of 2013 (for April 2013 through June 2013) for [REDACTED]. Claimant also indicated in her application that she had a checking account. On September 9, 2013, the Department sent Claimant a VCL requesting verification of wages from [REDACTED] and verification of her checking account by September 19, 2013. After it received a verification of employment for one employer that Claimant improperly completed herself and submitted on September 12, 2013, the Department sent Claimant a September 30, 2013, Notice of Case Action denying her FAP application for failure to verify earned income and a checking account. The checking account statement was received by the Department on October 17, 2013.

A client does not have to verify employment that stopped more than 30 days prior to the application date. BEM 505 (July 2013), p. 13. Claimant credibly testified that she was not employed at [REDACTED] as of the date of her application and that was the reason she did not identify the employment on her application. However, the Department may request verification when information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. BAM 130 (July 2013), p. 1. Because the consolidated inquiry showed employment at the two employers for the second quarter of 2013 and the Department could not establish whether employment continued as of the date of the application without some verification, the Department acted in accordance with Department policy when it requested verification of employment. Because Claimant failed to provide verification of employment, completed by the employer as required, the Department acted in

accordance with Department policy when it denied Claimant's FAP case for failure to verify.

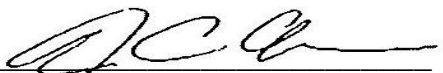
At the hearing, Claimant's mother explained that Claimant had some learning disabilities which made it difficult for her to understand the documents sent to her by the Department and to gather the requested verifications. If an individual indicates the existence of a disability that impairs her ability to gather verifications and information necessary to establish her eligibility for benefits, the Department must offer to assist the individual in gathering of such information. BAM 130, p. 7; see also BAM 105 (July 2013), p. 12. However, the Department credibly testified that it was not aware of Claimant's disabilities prior to the hearing. Claimant's mother admitted that she did not indicate in her phone messages to the Department worker that Claimant needed assistance with obtaining verifications and completing the application process.

Claimant's mother also expressed concerns that the worker did not respond to her calls concerning Claimant's application. However, information concerning individual clients is confidential and protected. BAM 105 (October 2013), p. 2. Therefore, the Department acted in accordance with Department policy when it did not respond to the mother's calls concerning Claimant's case. The parties were advised for future reference that Claimant could authorize her mother in writing to act as her authorized representative to assist her in her applications and cases. BAM 310 (July 2013), p. 9. This is in addition to any assistance the Department should provide now that it is aware of Claimant's need for assistance.

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 denied Claimant's August 28, 2013, FAP application.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: November 25, 2013

Date Mailed: November 25, 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

ACE/pf

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]