

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

IN THE MATTER OF:



Reg. No.: 2014-6221
Issue No(s): 3008
Case No.: [REDACTED]
Hearing Date: November 14, 2013
County: Washtenaw

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, telephone hearing was held on November 14, 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, and [REDACTED] Assistance Payments Supervisor.

ISSUE

Did the Department properly deny the Claimant's application for the Food Assistance Program (FAP) for failure to return 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 September 23, 2013, the Claimant applied for Medical Assistance and FAP.
2. On September 27, 2013, a Verification Checklist was issued to the Claimant stating what proofs were needed by the October 7, 2013 due date. (Exhibit B, pages 8-9)
3. On October 8, 2013, the Claimant filed a request for Hearing contesting the Department's action regarding FAP. (Exhibit A, pages 2-3)
4. On October 8, 2013, the Department received a single page screen shot summary of the Claimant's bank accounts. (Exhibit B, page 17)
5. On October 22, 2013, a Notice of Case Action was issued to the Claimant stating FAP was denied because requested verifications were not returned. (Exhibit B, pages 3-4)

6. On October 29, 2013, the Claimant filed a request for hearing contesting the Department's action regarding FAP. (Exhibit 1, pages 1-2)

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.

On October 8, 2013, the Claimant filed a request for hearing contesting the Department's action regarding FAP. (Exhibit A, pages 2-3) The Eligibility Specialist explained that at that time, no action had been taken on the Claimant's FAP application and it was still pending with the Department. There had only been the September 27, 2013, denial of the Medical Assistance portion of the September 23, 2013 application. (Exhibit B, pages 5-6) The FAP denial did not occur until October 22, 2013, and was based on a failure to return requested verifications. (Exhibit B, pages 3-4) The Claimant's October 29, 2013, hearing request was then filed protesting the FAP determination. (Exhibit 1, pages 1-2)

On September 27, 2013, a Verification Checklist was issued to the Claimant stating what proofs were needed by the October 7, 2013, due date. (Exhibit B, pages 8-9) The Claimant testified she never received this Verification Checklist. However, the Claimant also testified that her address was correct on this form. The Claimant stated that she has provided documentation over and over again to the Department. The testimony of the Claimant and Eligibility Specialist indicate there have been several case openings and closures, there is a separate case for the Claimant's 21 year old disabled son, and that there is currently an ongoing Medicaid eligibility.

The Eligibility Specialist testified that on October 8, 2013, the Department received a single page screenshot summary of the Claimant's bank accounts. (Exhibit 1, page 17) The Claimant stated she provided this because she thought the Department might need it, rather than in response to any request for verifications. The Claimant also noted that the Department has told her they cannot accept what she has been able to print from online banking. The Eligibility Specialist explained that the single page screenshot summary of the accounts does not provide sufficient information. For example it does not even identify who the accounts belong to. (Exhibit 1, page 17)

The Claimant and Eligibility Specialist testified that there were emails regarding assets and verifications. On October 18, 2013, the Claimant emailed asking about a vehicle and the asset policy. On October 22, 2013, the Eligibility Specialist included information about what verifications were still needed in an email to the Claimant, and further explaining that this information could still be provided by November 20, 2013. This was in accordance with the BAM 115 and BAM 130 policy allowing for re-registration of a FAP application if requested verifications are provided within 60 days of the application date.

The Claimant also testified that a few weeks prior to the hearing she provided additional documentation she obtained from the bank. The Assistance Payments Supervisor testified that based on the Claimant's statement during a pre-hearing conference that additional documentation had been submitted, the Assistance Payments Supervisor checked the drop box log. The Assistance Payments Supervisor did not find anything in the drop box log supporting the Claimant's statements that the Claimant dropped off additional documentation from the bank.

The evidence does not establish that the Claimant provided all requested verifications by the October 7, 2013 due date, which were needed to determine eligibility for the September 23, 2013 FAP application. In the September 27, 2013 Verification Checklist, the Department told the Claimant what verification was required, how to obtain it, and the due date. (Exhibit B, pages 8-9) The Claimant confirmed that her address was correct on this Verification Checklist. The single page screenshot summary the Claimant submitted on October 8, 2013, was not sufficient to verify her bank accounts. (Exhibit B, page 17) Further, bank account statements were only part of the requested verifications from the September 27, 2013 Verification Checklist. (Exhibit B, pages 8-9) The Department properly denied the Claimant's FAP application on October 22, 2013, because requested verifications had not been provided and it was past the October 7, 2013 due date.

The Department witnesses provided credible testimony that they had not received the outstanding verifications as of the November 14, 2013, hearing date and the drop box log did not document the Claimant providing the additional bank documentation. If the Department received the requested verifications by November 20, 2013, 60 days from the September 23, 2013 application, the Department must re-register the Claimant's FAP application and determine eligibility as of the date of compliance with the verifications.

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 the Claimant's FAP application on October 22, 2013, based on failure to provide 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 22, 2013

Date Mailed: November 22, 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:

