

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-11010
Issue No(s): 3002
Case No.: [REDACTED]
Hearing Date: December 5, 2013
County: Gratiot County DHS

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 December 5, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] the Claimant, and [REDACTED] roommate. Participants on behalf of the Department of Human Services (Department) included Brian Hornby, Assistance Payments Worker.

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. On October 7, 2013, the Claimant called the Department to report she no longer had a job.
3. On October 11, 2013, a Verification Checklist was issued to the Claimant stating verification of wages, salaries, tips and commissions as well as verification of loss of employment were needed by the October 21, 2013 due date.
4. On October 31, 2013, the Department issued a Notice of Case Action to the Claimant stating the FAP case would close effective December 1, 2013, because the Claimant failed to return the requested verifications.

5. On November 4, 2013, the Claimant filed a Request for Hearing contesting 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, 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 October 7, 2013, the Claimant called the Department to report she no longer had a job.

On October 11, 2013, a Verification Checklist was issued to the Claimant stating verification of wages, salaries, tips and commissions as well as verification of loss of employment were needed by the October 21, 2013, due date. A copy of the Verification of Employment form was included. (Exhibit A, pages 2-5) The Assistance Payments Worker testified that several messages were also left for the Claimant that she needed to have the form completed or have the employer provide a statement regarding her employment ending. The Claimant's FAP case was closed because the requested verifications were not provided.

The Claimant testified that she did not get the paperwork from the Department stating she needed to turn in pay stubs until October 24, 2013. Additionally, the Claimant indicated she did not see that she also needed to provide the verification of employment loss because this was on the second page of the Verification Checklist. The Claimant stated that she turned in pay stubs at the front counter of the Department office and tried to confirm this was all that was needed. The Claimant's roommate testified that he passed on the messages left for the Claimant. The Claimant's roommate also testified that he knew when the Claimant called the Assistance Payments Worker back she always got his voicemail.

The Department has provided sufficient evidence that the Verification Checklist was issued to the Claimant on October 11, 2013, explaining what verification is required, how to obtain it, and the due date of October 21, 2013. The requested proofs included verification that the Claimant's employment ended. The form shows it was mailed to the same address the Claimant verified during the telephone hearing proceedings. (Exhibit A, pages 2-5) The Case Comments Summary indicates that on or about October 28, 2013, the Claimant called the Department reporting she received the Verification Checklist after the due date had already passed and that additional messages were left between the Assistance Payments Worker and the Claimant regarding the needed verifications. (Exhibit A, page 1) However, there is no evidence that the Claimant ever submitted the requested verification that her employment ended. Accordingly, the closure of the Claimant's FAP case must be upheld because not all requested verifications were returned.

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 closed the Claimant's FAP case because requested verifications were not returned.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

/s/
Colleen Lack
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: December 9, 2013

Date Mailed: December 10, 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/hj

cc:

