

**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.: 2014-7618
Issue No.: 3008
Case No.: ██████████
Hearing Date: November 25, 2013
County: SSPC-East (97-98)

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 25, 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 October 1, 2013, Claimant applied for FAP benefits.
2. On October 2, 2013, the Department sent Claimant a Verification Checklist (VCL) requesting, among other things, verification of Claimant's daughter's checking account.
3. On October 15, 2013, the Department sent Claimant a Notice of Case Action denying Claimant's FAP application because she had failed to verify requested information.

4. On October 16, 2013, the Department received many of the verifications requested in the VCL but no verification of Claimant's daughter's checking account.
5. On October 23, 2013, Claimant filed a request for hearing disputing the Department's denial of her FAP application.

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 the October 2, 2013, VCL sent to Claimant, the Department requested several verifications by October 14, 2013. Although the Department sent Claimant a Notice of Case Action on October 15, 2013, denying her FAP application because it had not received any of the verifications requested, it acknowledged receiving many of the requested verifications on October 16, 2013. However, the Department concluded that it could not reregister and process the FAP application because it did not receive the verification of Claimant's daughter's checking account.

In processing Claimant's FAP application, the Department became aware that Claimant's daughter, a member of her FAP group, had a checking account and requested verification of the account. The Department must verify the value of countable assets at application. BEM 400, p. 43. Assets include checking and savings accounts, with the value of the account equal to the lowest balance in the month being considered. BEM 400 (July 2013), pp. 3-4, 11, 12.

At the hearing, Claimant acknowledged that no verification of her daughter's checking account was submitted to the Department. She explained that her daughter's checking account had been closed a year prior to the application filing date, and she was not aware that the Department sought verification of the account. However, the VCL specifically identified Claimant's daughter's checking account as information that needed to be verified. The Department also sent Claimant a Verification of Assets form, DHS-20, which could be used to verify the checking account, that identified Claimant's daughter as the account holder at issue. The DHS-20 also advised the financial institution to report on accounts closed within the past 36 months. Under these circumstances, the Department adequately notified Claimant that she was required to provide verification of her daughter's checking account.

Because Claimant failed to provide verification of her daughter's checking account, 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 FAP application based on the failure to verify her daughter's checking account. See BAM 130 (July 1, 2013), p. 6.

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: December 2, 2013

Date Mailed: December 2, 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:

2014-7618/ACE

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

ACE/pf

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