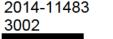
STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: Issue No(s).: Case No.: Hearing Date: County:



December 12, 2013 Macomb-20

ADMINISTRATIVE LAW JUDGE: Darryl T. Johnson

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 CF R 431.200 to 431.250; 45 CFR 99. 1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing wa s held on December 12, 2013, from Lansing, Michigan. Participants on behalf of Claim ant included the Claimant, from Lansing, and her fiancé, from Lansing. Part icipants on behalf of the Dep artment of Human Services (Department) included Eligibility Specialist

ISSUE

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

FINDINGS OF FACT

The Administrative Law Judge, based on t he competent, material, and substantial evidence on the whole record, finds as material fact:

- 1. Claimant applied for FAP on October 9, 2013.
- 2. On October 10, 2013, a Verificat ion Checklist was mailed to Claimant requesting verification of her identity, her i ncome, and her rent. Her responses wer e due October 21, 2013
- 3. On October 25, 2013, Claimant faxed in a copy of her Driver License.
- 4. On October 25, 2013, the Department mailed Claimant a Notice of Case Action advising her that her benefits would be denied for failure to provide the necess ary verification.
- 5. On Novem ber 5, 2013, the Department received a Request for Hearing from Claimant, along with copies of some m oney orders she used to pay rent and copies of two pay stubs.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Service s Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), D epartment of Human Servic es 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] i s established by the Food Stamp Act of 197 7, as amended, 7 US C 2011 to 2036a and is implemented by the federal regulations c ontained in 7 CFR 271. 1 to 285.5. The Department (formerly known as the Fam ily Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

"Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms; see Refusal to Cooperate Penalties in this item. Clie nts must complete ly and truthfully ans wer all qu estions on forms and in interviews." BAM 105.

The Claim ant testified that she mailed v erification of her rent and her income on October 23, 2013, the same day that she faxed in the copy of her Driver Lic ense. She also testified that she had in possession dur ing the hearing her pay stub for the bi-weekly pay period ending October 13, 2013, for which the check was dated October 18, 2013. In the hearing packet (Exhibit A) were her pay stubs for checks dated October 4, 2013, and November 1, 2013. Also included were rent money orders for weeks ending October 13 and 20, 2013, and Nove mber 3, 2013. It is important to note that these are original documents, not photocopies. All of those documents are date stamped by the Department on November 5, 2013.

The Department's witness testified that, ot her than the copy of Claimant's Driver License, none of the necessary verifications were received by the October 21, 2013 deadline. Since she did not provide the verification by then, her benefits were denied. The testimony and the evidence support a finding that the Claimant did not provide verification of her rent and income timely.

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.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

Darryl T. Johnson Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Date Signed: December 12, 2013

Date Mailed: December 13, 2013

NOTICE OF APP EAL: The claimant may appea I the Dec ision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely Request for Rehearing or Reconsiderati on was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing S ystem (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order . MAHS will not order a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 disc overed evidence that existed at the time of the or iginal 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 clai mant must specify all reas ons 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.

2014-11483/DTJ

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

DTJ/las

