

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201314157
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: January 10, 2013
County: Wayne DHS (35)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on January 10, 2013 from Detroit, Michigan. Participants included the above-named claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Supervisor, and [REDACTED] Specialist.

ISSUE

The issue is whether DHS properly denied Claimant's Food Assistance Program (FAP) benefit due to an alleged failure by Claimant to verify checking account information.

FINDINGS OF FACT

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

1. Claimant was an ongoing FAP benefit recipient.
2. On 10/30/12, DHS mailed Claimant a Verification Checklist (VCL) (Exhibit 1) requesting proof of Claimant's rent, vehicle ownership and checking account.
3. The VCL due date was 11/9/12.
4. Claimant failed to submit the requested verifications to DHS.
5. On 11/16/12, DHS terminated Claimant's FAP benefit eligibility effective 12/2012.

6. On 11/27/12, Claimant requested a hearing to dispute the termination of FAP benefits.

CONCLUSIONS OF LAW

FAP (formerly known as the Food Stamp Program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). DHS administers FAP pursuant to Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001-3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The present case concerned a termination of FAP benefit eligibility effective 12/2012. DHS contended that the closure was proper based on Claimant's failure to verify checking account information.

DHS is to use the DHS-3503, Verification Checklist to request verification. BAM 130 (5-2012), p. 3. DHS must give clients at least ten days to submit verifications. *Id.* DHS must tell the client what verification is required, how to obtain it, and the due date. *Id.*, p. 2. For FAP benefits, DHS is to send a negative action notice when:

- the client indicates refusal to provide a verification, or
- the time period given has elapsed and the client has not made a reasonable effort to provide it. (*Id.*, p. 5.)

It was established that DHS mailed a VCL to Claimant on 10/30/12. The VCL requested three items, one of which was checking account verification. The VCL specified a due date of 11/9/12 for Claimant to timely return the items.

Claimant initially testified that he did not receive the VCL and was unaware of the DHS request. Shortly after Claimant's testimony, he found the VCL among the records that he brought to the hearing. It is found that Claimant received the VCL.


Claimant testified that he submitted a checking account statement to DHS in the past and questioned whether DHS had a need to again verify the information. DHS is to verify the value of countable assets at application, redetermination and when a change is reported. BEM 400 (10/2012), p. 43. It was established that Claimant reapplied for FAP benefits in 10/2012 and that Claimant had not verified his checking account balance since applying. It is found that DHS properly requested verification of Claimant's checking account balance.

Claimant noted that he brought verification of his checking account to the hearing. Claimant thought the submission would allow his case to be reopened. The date of administrative hearing was well after Claimant's deadline to submit the verification. Once Claimant's FAP benefit eligibility ended in 11/2012 due to his failure to submit a checking account verification, Claimant would have to reapply to regain FAP benefit

eligibility. Based on the presented evidence, it is found that DHS properly terminated Claimant's FAP benefit eligibility effective 12/2012.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's FAP benefit eligibility effective 12/2012. The actions taken by DHS are AFFIRMED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 15, 2013

Date Mailed: January 15, 2013

NOTICE: 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)

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 was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

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cc:

