

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-17594
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: March 25, 2013
County: Wayne (76)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 March 25, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Assistance Payment Worker.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case based on Claimant's failure to verify requested 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 recipient of FAP benefits.
2. On November 8, 2012, the Department sent Claimant a Wage Match Client Notice seeking verification of Claimant's employment at [REDACTED]. (Exhibit 1).
3. The completed Wage Match form or pay stubs for the 30 days prior were due to the Department by December 10, 2012.

4. The Department concluded that the documentation Claimant submitted on November 9, 2012 was insufficient.
5. On December 12, 2012, the Department sent Claimant a Notice of Case Action informing him that his FAP case would be closing effective January 1, 2013 because he had failed to provide requested information. (Exhibit 3).
6. On December 17, 2012, Claimant filed a hearing request disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) 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). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3001 through R 400.3015.

Additionally, the Department routinely matches recipient employment data with the Michigan Department of Energy, Labor & Economic Growth Unemployment Insurance Agency (UIA) through computer data exchange processes. These data exchanges assist in the identification of potential current and past employment income. BAM 802 (December 1, 2011), p 1. When there is a discrepancy between the wage match information and the client's work history stated on an application or other information in the client's case record, the Department must request verification from the client by sending a Wage Match Client Notice (DHS- 4638). BAM 802, p. 2. If verifications are not returned by the 30th day, the case will close for a minimum of 30 days after appropriate actions are taken in the Department's system unless the client returns verifications. BAM 802, p 2.

In this case, the Department learned pursuant to a wage match that Claimant had unreported income from [REDACTED] and on November 8, 2012, the Department sent Claimant a Wage Match Client Notice seeking verification of his employment at [REDACTED]. Claimant was required to return the Wage Match form completed by his employer or provide the Department with pay stubs from the last 30 day. This information was due to the Department by December 10, 2012 (Exhibit 1). At the hearing, the Department testified that Claimant did not provide the Wage Match form completed by his employer, nor did he submit paystubs from the last 30 days by the deadline of December 10, 2012. As a result, the Department sent Claimant a Notice

of Case Action on December 12, 2012 informing Claimant that his FAP case would close effective January 1, 2013 for failure to provide required verifications. (Exhibit 3).

Claimant confirmed that he received the Wage Match Client Notice requesting verification of employment. Claimant stated that he was no longer employed at [REDACTED] and that he had not been employed there since July 23, 2012. In response to the Wage Match, Claimant appeared at the Department's local office on November 9, 2012 and dropped off the Wage Match form, which he completed, along with a letter stating that he was laid off from Tranor, and did not have pay checks for the 30 days prior to the November 8, 2012 Wage Match. (Exhibit 2). Claimant credibly testified that he made attempts to contact the Department regarding the Wage Match and the information he was required to submit, and he received no communication from the Department between the time he dropped off the Wage Match form and letter on November 9, 2012 and the date the Notice of Case Action was sent on December 12, 2012 to inform him that what he submitted was not sufficient. The Department was unable to refute this testimony or to provide any additional information on whether someone from the Department contacted Claimant between November 9, 2012 and the date the Notice of Case Action was sent on December 12, 2012.

Additionally, Claimant informed the Department that he had been laid off for four months and that he did not have pay stubs from the last 30 days. The Department did not respond to Claimant's communications and did not identify any other forms of verification Claimant could submit. The Department may close a Claimant's FAP case for failure to provide requested verifications if the time period to return the verification has lapsed **and** the client has not made a reasonable effort to provide it. BAM 130 (May 1, 2012), p 5. Under the facts in this case, Claimant made a reasonable effort to provide the information requested by the Department. BAM 130, p 5. Thus, the Department did not act in accordance with Department policy when it closed Claimant's FAP case for failure to provide requested verification.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did not act in accordance with Department policy when it closed Claimant's FAP cases for failure to verify requested information. Therefore, the Department's FAP decision is REVERSED.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Claimant's FAP case effective January 1, 2013 in accordance with department policy; and

2. Begin issuing supplements to Claimant for any FAP benefits that he was entitled to receive but did not from January 1, 2013, ongoing, if otherwise eligible and qualified.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 3, 2013

Date Mailed: April 3, 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 affect the substantial rights of the claimant:
 - 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

ZB/cl

cc:

