

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201323845
Issue No: 3008
Case No: [REDACTED]
Hearing Date: February 13, 2013
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received by the Department of Human Services (department) on January 16, 2013. After due notice, a telephone hearing was held on February 13, 2013. Claimant appeared and provided testimony. The department was represented by [REDACTED], an eligibility specialist with the department's Genesee County office.

ISSUE

Whether the Department of Human Services (department) properly denied Claimant's application for Food Assistance Program (FAP) benefits for failure to return the required verification?

FINDINGS OF FACT

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

1. On December 4, 2012, Claimant applied for FAP benefits. (Department Exhibit 1, pp. 3-30)
2. On December 5, 2012, the department obtained verification that Claimant had been or was currently employed with [REDACTED] and [REDACTED]. (Department Exhibit 2, pp. 31-42)
3. On December 5, 2012, the department mailed Claimant a Verification Checklist (DHS 3503), requesting that Claimant provide verification that his employment with [REDACTED] had ended. In doing so, the department included a Verification of Employment (DHS-38) for Claimant to have completed by his former employer. This information was

due to the department by December 17, 2012. (Department Exhibit 3, pp. 43-44)

4. Claimant did not provide the department with the requested verification by the December 17, 2012 deadline. (Department Hearing Summary)
5. On December 18, 2012, the department mailed Claimant a Notice of Case Action (DHS 1605), informing him that his FAP benefits application had been denied effective December 2, 2012 due to his failure to provide the required verification that his employment had ended with [REDACTED] Center. (Department Exhibit 7, pp. 52-54; Department Exhibit 8, p. 55)
6. On January 12, 2013, Claimant requested a hearing contesting the department's closure of his FAP benefits. (Request for Hearing)

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1)

Clients have the right to contest a department decision affective eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

The Food Assistance Program (FAP) was established pursuant to 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 of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.30001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department policy indicates that clients must cooperate with the local office in determining initial and ongoing eligibility with all programs. BAM 105. This includes completion of the necessary forms. Clients who are able to but refuse to provide necessary information or take a required action are subject to penalties. BAM 105. Clients must take actions within their ability to obtain verifications. BAM 130; BEM 702. Likewise, DHS local office staff must assist clients who ask for help in completing forms. BAM 130; BEM 702; BAM 105.

Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. BAM 130. The department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested

verification. BAM 130. If the client is unable to provide the verification despite a reasonable effort, the department must extend the time limit at least once. BAM 130. . For MA, if the client cannot provide the verification despite a reasonable effort, the time limit is extended up to three times. BAM 130. Should the client indicate a refusal to provide a verification or, conversely, if the time period given has elapsed and the client has not made a reasonable effort to provide it, the department may send the client a negative action notice. BAM 130. (Emphasis added).

In this case, following Claimant's December 4, 2012 application for FAP benefits, the department obtained information indicating that Claimant had been or remained employed with [REDACTED], thus requiring the department to verify the status of that employment and/or whether it had ended. And, because Claimant failed to provide the department with the requested verification of this employment having ended, the department notified Claimant that, effective December 2, 2012, his FAP benefits were being closed due to his failure to verify or allow the department to verify information necessary to determine Claimant's eligibility for the FAP program.

At the February 13, 2013 hearing, Claimant acknowledged that he received the Verification Checklist and indicated that he first went to his former employer on December 28, 2012 to seek completion of the Verification of Employer form. Claimant further testified that his former employer refused to cooperate and complete the form on Claimant's behalf without first consulting the department. The department representative testified that, had Claimant made his caseworker aware in advance of the December 17, 2012 deadline for submittal of the requested verification that he was having difficulty obtaining the required information, the department would have assisted him by contacting his former employer and also providing him with an extension of the deadline.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record and finds, based on the competent, material, and substantial evidence presented at the hearing, the department acted in accordance with policy in closing Claimant's FAP benefits case due to Claimant's failure to verify necessary information regarding his employment.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department acted in accordance with policy in closing Claimant's FAP benefits case due to Claimant's failure to verify necessary information regarding his employment. Accordingly, the department's action in this regard is **UPHELD**.

IT IS SO ORDERED.

/s/ _____
Suzanne D. Sonneborn
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 14, 2013

Date Mailed: February 14, 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 60 days of the filing of the original request.

The Claimant may appeal this 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 errors, or other obvious errors in the hearing decision that affect the substantial rights of Claimant;
 - The failure of the ALJ to address other relevant issues in the hearing decision.

201323845/SDS

Request must be submitted through the local DHS office or directly to MAHS by mail at:

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

SDS/cr

cc:

