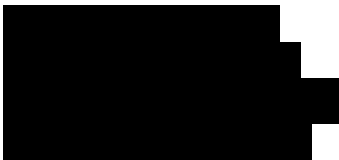


STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

**IN THE MATTER OF:**



Reg. No.: 201334930  
Issue No.: 3008  
Case No.: [REDACTED]  
Hearing Date: April 17, 2013  
County: Washtenaw County DHS

**ADMINISTRATIVE LAW JUDGE:** C. Adam Purnell

**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 April 17, 2013 from Lansing, Michigan. Claimant personally appeared and provided testimony. Participants on behalf of Department of Human Services (Department) included [REDACTED] (Eligibility Specialist) and [REDACTED] (Assistance Payments Supervisor).

**ISSUE**

Due to a failure to comply with the verification requirements, did the Department properly close Claimant's Food Assistance Program (FAP) case?

**FINDINGS OF FACT**

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

1. Claimant was receiving FAP.
2. On November 30, 2012, Claimant was provided with a Redetermination packet (DHS-1010).
3. Claimant was required to submit requested verification by December 17, 2012.
4. The Department allowed Claimant's FAP case to close and issued her a Notice of Case Action (DHS-1605) for failure to submit verification in a timely manner.
5. On March 11, 2013, Claimant filed a hearing request, protesting the closure.

## CONCLUSIONS OF LAW

Department policies are found 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 1997 AACRS R 400.3001-3015

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130. Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. BAM 130. Verifications are considered timely if received by the date they are due. BAM 130.

For FAP, the department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested verification. 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.

For FAP only, if the client contacts the department prior to the due date requesting an extension or assistance in obtaining verifications, the department must assist them with the verifications but not grant an extension. BAM 130. The department worker must explain to the client they will not be given an extension and their case will be denied once the VCL due date is passed. BAM 130. Also, the department worker shall explain their eligibility will be determined based on their compliance date if they return required verifications. BAM 130. The department must re-register the application if the client complies within 60 days of the application date. See BAM 115 & BAM 130.

The Department must periodically redetermine an individual's eligibility for active programs. BAM 210. The redetermination process includes thorough review of all eligibility factors. BAM 210. Redetermination, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs. BAM 210. A complete redetermination is required at least every 12 months. BAM 210. However, the client must complete a DHS-1171, Assistance Application, to request a program that is not active at the time of redetermination. BAM 210. Local offices must assist clients who need and request help to complete applications, forms and obtain verifications; see BAM 130, Obtaining Verification. BAM 210.

For FAP, benefits stop at the end of the benefit period **unless** a redetermination is completed **and** a new benefit period is certified. BAM 210. If the client does not complete the redetermination process, the Department will allow the benefit period to expire. BAM 210. The redetermination process begins when the client files a DHS-1171,

Assistance Application, DHS-1010, Redetermination, DHS-1171, Filing Form, DHS-2063B, Food Assistance Benefits Redetermination Filing Record, or other redetermination document. BAM 210.

For FAP, an interview is required before denying a redetermination even if it is clear from the DHS-1010/1171 or other sources that the group is ineligible. BAM 210. The Department worker is required to indicate on the individual interviewed/applicant-details screen in Bridges who was interviewed and how the interview was held, such as by telephone, in person etc. BAM 210.

If the client misses the interview, Bridges sends a DHS-254, Notice of Missed Interview. BAM 210. The Department worker must conduct a telephone interview at redetermination before determining ongoing eligibility. BAM 210.

Bridges generates a redetermination packet to the client 3 (three) days prior to the negative action cut-off date in the month before the redetermination is due. BAM 210. Bridges sends a DHS-2063B, Continuing Your Food Assistance Benefits, to FAP clients for whom FIP, SDA, MA, AMP, and/or TMAP are **not** active. BAM 210. The packet is sent to the mailing address in Bridges. The packet is sent to the physical address when there is no mailing address. BAM 210. The packet is also sent to the MA authorized representative on file. BAM 210.

For all programs, a redetermination/review packet is considered complete when **all** of the sections of the redetermination form including the signature section are completed. BAM 210. When a complete packet is received, the Department worker shall record the receipt in Bridges as soon as administratively possible. BAM 210. If the redetermination is submitted through MI Bridges, the receipt of the packet will be automatically recorded. BAM 210.

If the redetermination packet is not logged in by the negative action cutoff date of the redetermination month, Bridges generates a DHS-1605, Notice of Case Action, and automatically closes the EDG. BAM 210.

For FAP only, if the redetermination packet is not logged in by the last working day of the redetermination month, Bridges automatically closes the EDG and a DHS-1605 is not generated. BAM 210.

For FAP only, if the DHS-2240A is not entered in Bridges as completed, Bridges automatically generates a redetermination packet and shortens the FAP benefit period according to policy in BAM 220, Shortening a 24-Month FAP Benefit Period. BAM 210.

BAM 210 provides the following case management tip for its workers: "Be especially careful to record the receipt of the completed forms as they are received to prevent the incorrect generation of the DHS-1046A and/or closure of the case. If the completed DHS-1046 and verifications are returned by the last day of the sixth month, process the

changes to ensure the client's benefits are available no later than 10 days after their normal issuance date in the seventh month of the benefit period."

For FIP, SDA and FAP, the Department worker shall: (1) obtain a complete redetermination/review packet from the client; (2) compare the redetermination/review document to the existing DHS-1171 or previous DHS-1010 and other case data and reconcile any discrepancies and ensure anything omitted is completed; (3) review the verifications and reconcile discrepancies; (4) refer the client to view online the following sections of the DHS-1010 information booklet: (i) Things You Must Do; (ii) Important Things To Know; (iii) Repay Agreements and (iv) Information About Your Household That Will Be Shared. BAM 210.

In order to receive uninterrupted benefits, (benefits available on their scheduled issuance date) the client must file the redetermination through MI Bridges or file either a DHS-1010, Redetermination, DHS- 171, Assistance Application, or a DHS-2063B, Continuing Food Assistance Benefits, by the 15th of the redetermination month. **Exception:** If the client's redetermination materials are mailed late, the timely filing date is 17 days **after** the materials are mailed.

For FIP, SDA, CDC, MA, AMP, and TMAP, verifications are due the same date as the redetermination/review interview. BAM 210. When an interview is not required, verifications are due the date the packet is due. BAM 210. Bridges allows clients a full 10 calendar days from the date the verification is requested (date of request is not counted) to provide all documents and information. If the 10th day falls on a weekend or holiday, the verification would not be due until the next business day. BAM 210.

For FAP, verifications must be provided by the end of the current benefit period or within 10 days after they are requested, whichever allows more time. BAM 210. If the 10th day falls on a weekend or holiday, the verification will not be due until the next business day. BAM 210. If verifications are provided by the required deadline but too late for normal benefit issuance, benefits must be issued within five workdays. BAM 210.

Bridges generates a redetermination packet to the client three days prior to the negative action cut-off date in the month before the redetermination is due. This allows time to process the redetermination before the end of the redetermination month. BAM 210.

The FAP redetermination must be completed by the end of the current benefit period so that the client can receive uninterrupted benefits by the normal issuance date. BAM 210. If timely redetermination procedures are met but too late to meet the normal issuance date, issue benefits within five workdays. BAM 210. Bridges will issue a payment for lost benefits if the client is **not** at fault for delayed processing that prevented participation in the first month. BAM 210.

The group loses their right to uninterrupted FAP benefits if they fail to do any of the following: (1) file the FAP redetermination by the timely filing date; (2) participate in the scheduled interview; (3) submit verifications timely, provided the requested submittal

date is **after** the timely filing date. BAM 210. Any of these reasons can cause a delay in processing the redetermination. When the group is at fault for the delay, the redetermination must be completed in 30 days. BAM 210.

Here, the Department closed Claimant's FAP case because she failed to turn in her redetermination packet on or before December 17, 2012. Claimant, on the other hand, contends that she hand-delivered in her redetermination packet at the local office at some point during the first week of December, 2012. (Claimant could not recall the specific date). The Department worker, during the hearing, searched the log books for the first two weeks of December, 2012 and did not find any entries pertaining to Claimant.

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). 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). Moreover, it is for the fact-finder to gauge the demeanor and veracity of the witnesses who appear before him, as best he is able. See, e.g., *Caldwell v Fox*, 394 Mich 401, 407; 231 NW2d 46 (1975); *Zeeland Farm Services, Inc v JBL Enterprises, Inc*, 219 Mich App 190, 195; 555 NW2d 733 (1996).

This Administrative Law Judge finds that the Department's testimony to be more credible. The evidence shows that Claimant has failed to make a reasonable effort to provide the redetermination packet within the required time period.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department properly closed Claimant's case.

**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 act properly.

Accordingly, the Department's decision is **AFFIRMED**.

IT IS SO ORDERED.

/s/ \_\_\_\_\_  
C. Adam Purnell  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: April 17, 2013

Date Mailed: April 18, 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

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