

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

IN THE MATTER OF:



Reg. No.: 201347101
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: June 10, 2013
County: Wayne DHS (19)

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 June 10, 2013 from Detroit, Michigan. Participants included the above-named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Manager, and [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly terminated Claimant's Food Assistance Program (FAP) benefit eligibility based on a failure by Claimant to verify a stoppage in employment income.

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. Claimant was part of a household which included her son.
3. At a recent point in time, Claimant's son had two jobs, one of which he quit.
4. On an unspecified date, DHS mailed Claimant a Verification Checklist (VCL) requesting proof of Claimant's son's stopped employment with the job that he quit.

5. Claimant returned verification of her son's ongoing employment but not the employment stoppage.
6. On an unspecified date, DHS initiated termination of Claimant's FAP benefit eligibility, effective 3/2013, based on Claimant's failure to verify her son's stopped employment.
7. On 5/9/13, Claimant requested a hearing to dispute the FAP benefit termination.

CONCLUSIONS OF LAW

The Food Assistance Program (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 the 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).

Claimant requested a hearing to dispute a FAP benefit termination. It was not disputed that the basis of the termination was Claimant's failure to verify stopped employment income for her son. It was not disputed that Claimant failed to timely return the requested verification by a VCL due date.

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.)

Prior to a substantive analysis, some background information is required. Claimant's son had two jobs, ongoing employment with a fast-food restaurant and a second restaurant job which lasted only approximately two months. DHS sought verification from Claimant of the stopped employment and sent Claimant a VCL listing the employer, as it was named on a "wage match" report. Claimant conceded that DHS identified the employer by name on the VCL; nevertheless, Claimant was confused by the request. Out of fairness to Claimant, the employer name listed on the VCL appeared to be a corporate name, one with no obvious ties to the name of the business which employed her son. To make matters more confusing for Claimant was that her son had multiple jobs at the same time.

Claimant spent a lengthy amount of hearing time attempting to blame her assigned specialist's lack of communication for Claimant's failure to verify her son's stopped employment income. Claimant made general accusations that her specialist failed to return telephone calls. Claimant's accusations never tied into specifically how the alleged unreturned phone calls led Claimant to not timely return a requested verification.

In fact, Claimant conceded that her specialist called her to inform her that Claimant timely returned a verification of employment for her son, but it was for the wrong job; this is evidence of excellent communication by her specialist. It should have also made it easier for Claimant to identify the job for which DHS required verification. By the date of hearing, Claimant had still not provided verification of the employment stoppage.


Despite the failure to submit verification, thought was given to whether Claimant made reasonable efforts to obtain the verification. Claimant displayed some efforts by returning an employment verification to DHS, albeit for the wrong job. Though Claimant had some basis for misunderstanding from which employer that verification was sought, the misunderstanding appeared to be no fault of DHS'. DHS identified the specific employer by name. If Claimant did not recognize the employer name on the VCL, she could have researched it on her own or with the help of DHS; Claimant did neither. Though Claimant made some efforts to comply with the VCL, it is found that she did not use reasonable efforts.

If neither the client nor DHS can obtain verification despite a reasonable effort, DHS is to use the best available information. *Id.*, p. 3. If no evidence is available, DHS is to use best judgment. *Id.*

It was not disputed, at some point after the verification was requested, that Claimant advised DHS that she could not obtain the requested verification despite her best efforts. Claimant could not state with certainty when this occurred. The testifying manager recalled such a discussion with Claimant but was uncertain of the date of discussion. The DHS specialist credibly testified that the discussion occurred long after the FAP case closure, likely after Claimant submitted a new application in 4/2013. The specialist's testimony was essentially unrebutted. It is found that Claimant informed DHS of an inability to obtain the verification in 4/2013 (a time too late for DHS to have ceased the benefit termination). Based on the presented evidence, it is found that DHS properly terminated Claimant's FAP benefit eligibility.

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 3/2013. The actions taken by DHS are AFFIRMED.



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

Date Signed: 6/19/2013

Date Mailed: 6/19/2013

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

CG/hw

cc:

