

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201347711
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: June 13, 2013
County: Wayne County (#19)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's May 13, 2013 request for a hearing. After due notice, a telephone hearing was conducted on Thursday, June 13, 2013, from Detroit, Michigan. The Claimant appeared and testified. Participant on behalf of Department of Human Services (Department) was [REDACTED] (Assistant Payment Supervisor).

ISSUE

Whether the Department properly denied the Claimant's application for cash assistance (FIP)?

Whether the Department properly closed the Claimant's Food Assistance Program (FAP)?

FINDINGS OF FACT

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

1. On March 25, 2013, the Department received Claimant's application for FIP and FAP benefits.
2. On April 3, 2013, the Department processed the Claimant's application; and sent a verification checklist (VCL) requesting proof of assets due by April 15, 2013. (Exhibit 2)

3. On April 19, 2013, the Department sent another verification checklist requesting proof of assets and proof of disability due by April 29, 2013. (Exhibit 3)
4. On May 3, 2013, the Department received Claimant's requested documentation. (Exhibit 1)
5. On May 3, 2013, the Department sent Notice of Case Action informing Claimant that FIP was denied and FAP closed effective May 1, 2013, due to failure to provide verifications and to attend the PATH orientation.
6. On May 13, the Department received Claimant's written hearing request protesting the Department action.

CONCLUSIONS OF LAW

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

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

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.

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion and submission of the necessary forms. BAM 105 (September 2012), p. 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130 (May 2012), p. 1. The client must obtain the required verification, however, the Department must assist if needed and/or requested. BAM 105, p. 8; BAM 130, p. 3. If neither the client nor the Department is able to obtain verification despite reasonable effort, the Department should use the best available information. BAM 130, p. 3. If no evidence is available, the Department should use its best judgment. BAM 130, p. 3. Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. BAM 130, p. 5. A negative action notice is sent when the client indicates a refusal to provide the verification or the time period provided has lapsed and

the client has not made a reasonable effort to provide it. BAM 130, p. 5. Verification of assets is required in determining FIP and FAP eligibility.

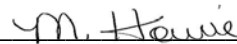
In this case, the Claimant applied for FIP and FAP benefits. She was temporarily off work due to a medical leave. The Department initiated processing and sent a verification checklist (VCL) to the Claimant with a due date of April 15, 2013. Claimant testified that on April 15, 2013 she faxed over bank statements but blacked out the account numbers. She was later told by the Department worker that the documents were not acceptable because the Department was unable to verify the account. On April 19, 2013, a second verification checklist (VCL) was sent to the Claimant again requesting proof of assets and in addition proof of disability due by April 29, 2013. Claimant did not submit the verifications by the due date. She submitted the documentation on May 3, 2013, and made attempts to contact the Department after that date thus the benefits were denied in accordance with department policy.

Accordingly, the Department's determination is AFFIRMED.

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 established it acted in accordance with policy when it denied the Claimant's application for FIP and FAP.

Accordingly, the Department's FIP FAP determination is hereby, **AFFIRMED**.



Michelle Howie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 6/20/2013

Date Mailed: 6/20/2013

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

MH/hw

cc:

