

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

IN THE MATTER OF:

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Reg. No.: 2013-52010
Issue No.: 3008
Case No.: ██████████
Hearing Date: July 8, 2013
County: Oakland (03)

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 July 8, 2013, from Detroit, Michigan. Claimant appeared and testified. Participants on behalf of the Department of Human Services (Department) included ██████████, Assistance Payment Worker Supervisor.

ISSUE

Did the Department properly close Claimant's case for Food Assistance Program (FAP) benefits?

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 an ongoing recipient of FAP benefits.
2. On March 12, 2013, the Department sent Claimant a Redetermination that was to be completed and returned on or before April 2, 2013.
3. On April 24, 2013, the Department sent Claimant a Verification Checklist (VCL) for which Claimant was required to submit requested verifications by May 6, 2013.

4. On May 9, 2013 the Department sent Claimant a Notice of Case Action, informing her that the Department intended to close her FAP case effective May 1, 2013 based on a failure to verify requested information. (Exhibit 3)
5. On June 6, 2013, Claimant filed a hearing request, disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services 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, Rule 400.3001-3015.

The Department must periodically redetermine an individual's eligibility for active programs. The redetermination process includes a thorough review of all eligibility factors. BAM 210 (November 2012), p 1. FAP benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210, p 2. If the redetermination packet is not logged in by the last working day of the redetermination month, Bridges will automatically close the FAP case without sending a Notice of Case Action. BAM 210, p.9.

Additional verifications may be required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (May 2012), p.1. To request verification of information, the Department sends a Verification Checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, pp. 2-3. FAP clients are given 10 calendar days to provide the verifications requested by the Department. Verifications are considered to be timely if received by the date they are due. BAM 130, p.5. The Department sends a negative action notice when the client indicates a refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 5.

In this case, in connection with a redetermination, Claimant's eligibility to receive FAP benefits was reviewed. On April 24, 2013, the Department sent Claimant a VCL requesting that verification of Claimant's income and assets including wages, salaries, checking and savings account information and home rent be returned to the Department by May 6, 2013. At the hearing, the Department testified that it received some of the requested verifications on May 7, 2013 but that verification of Claimant's checking account, assets and wages were not received. The Department presented a copy of Claimant's electronic case file which indicates that on May 7, 2013, verification of employment and other income verifications were received by the Department. (Exhibit 5). The Department stated that because Claimant did not submit all of the requested

verifications and that checking account and asset information was still missing, by the due date, on May 9, 2013, it sent Claimant a Notice of Case Action, informing her that her FAP case was closed effective May 1, 2013 based on a failure to verify requested information. (Exhibit 3). BAM 130, p.5.

At the hearing, Claimant confirmed that she received the VCL and stated that she submitted all of the requested information online on May 7, 2013. Claimant testified that she also submitted a copy of her checking account information and her pay stubs online on that day. Claimant stated that she turned in all of the documents in at the same time and is not sure why the Department only received some of them. Although Claimant testified that all of the information was provided to the Department, she also confirmed that it was submitted on May 7, 2013, one day after the due date.

FAP benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210 (November 2012), p 2. Timely notice of the FAP case closure is not required if the FAP certification period has expired. BAM 220 (November 2012), p. 4. In this case, a new benefit period was not certified because the Department did not receive the requested information on time. Therefore, the Department properly closed Claimant's FAP case and provided her with notice of the closure, as Claimant confirmed that she did not return the verifications by the May 6, 2013 due date .

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 acted in accordance with Department policy when it closed Claimant's FAP case for failure to verify requested information. Accordingly, the Department's decision is AFFIRMED.



Zainab Baydoun

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

Date Signed: July 15, 2013

Date Mailed: July 15, 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: [REDACTED]
[REDACTED]
[REDACTED]
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