

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

IN THE MATTER OF:



Reg. No.: 2013-54057
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: July 18, 2013
County: SSPC-East (97-98)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 18, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case effective June 1, 2013?

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 April 29, 2013, Claimant applied for FAP benefits.
2. On May 9, 2013, the Department approved Claimant for expedited FAP benefits.
3. On May 9, 2013, the Department sent Claimant a Verification Checklist (VCL) requesting checking and savings account information, as well as verification of shelter expenses, by May 20, 2013.
4. The Department did not receive the requested verifications.

5. On June 14, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FAP case closed effective June 1, 2013, because she had failed to verify her checking account, savings account, and rent expenses.
6. On June 21, 2013, Claimant filed a request for hearing, disputing the Department's action.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services 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, R 400.3001 through R 400.3015.

Additionally, Claimant applied for FAP benefits on April 29, 2013, and the Department testified that she was approved on May 9, 2013, for expedited FAP benefits. If the Department approves a client for expedited FAP benefits but the client did not provide all required verifications at application, the FAP applicant must provide the waived verifications by the by the 10th day following the request for such verifications or the benefit period will expire at the end of the month. BAM 117 (July 2011), pp. 4-5.

In this case, the Department became aware that Claimant had checking and savings accounts and sent her a VCL on May 9, 2013, requesting documentation concerning the accounts as well as her shelter verification by May 20, 2013. Checking and savings accounts are assets. BEM 400 (January 2013), p. 11. The Department must verify the value of countable assets. BEM 400, p. 43. Clients with assets having a value exceeding \$5,000 are not eligible for FAP benefits. BEM 400, pp. 3-4.


On June 14, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FAP case closed on June 1, 2013, because she failed to provide the requested verifications. At the hearing, Claimant acknowledged receiving the VCL but admitted she may not have provided the bank and shelter verifications to the Department. The Department testified that it did not receive any of the requested verifications as of the hearing date. Under these facts, the Department acted in accordance with Department policy when it closed Claimant's FAP case for failure to provide requested verification.

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 provide verification of checking and savings account.

Accordingly, the Department's decision is AFFIRMED.


Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 22, 2013

Date Mailed: July 23, 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,
 - 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

ACE/pf

cc:

