

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No: 201354359  
Issue No: 3008  
Case No: [REDACTED]  
Hearing Date: July 25, 2013  
DHS SSPC WEST

**ADMINISTRATIVE LAW JUDGE:** Suzanne D. Sonneborn

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received by the Department of Human Services (department) on June 3, 2013. After due notice, a telephone hearing was held on July 25, 2013. Claimant appeared by three-way conference call and provided testimony. The department was represented by [REDACTED], an eligibility specialist with the department's Self Service Processing Center West office.

**ISSUE**

Whether the department properly denied Claimant's application for Food Assistance Program (FAP) benefits for failure to return the required verification?

**FINDINGS OF FACT**

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

1. In May 2013, Claimant applied for FAP benefits.
2. On May 7, 2013, the department's case specialist interviewed Claimant by telephone, during which Claimant reported that she has income from self-employment babysitting and receives approximately \$100.00 per month. (Department Exhibit D)
3. On May 7, 2013, the department issued Claimant a Verification Checklist (DHS 3503), requesting that Claimant provide verification of her self-employment by providing proof of one of the following: recent business receipts to date; recent accounting or other business records to date; or a recent income tax return. Enclosed with the Verification Checklist were three

Self-Employment Income and Expense Statements (DHS-431) for the months of February, March, and April 2013, requesting that Claimant provide all requested information about her household's self-employment and expenses for these three months. The department advised Claimant that her failure to provide the requested information or call her specialist by May 17, 2013 may result in the denial, decrease, or cancellation of her benefits. (Department Exhibits E, F)

4. Claimant did not provide the department with the required verifications by the May 17, 2013 deadline.
5. On May 23, 2013, the department mailed Claimant a Notice of Case Action (DHS 1605), informing her that her FAP benefits would be closed effective June 1, 2013 due to her failure to provide the required verification of her self-employment income. (Department Exhibit G)
6. On June 1, 2013, Claimant requested a hearing contesting the department's closure of her FAP benefits.
7. On June 1, 2013, Claimant also submitted verification of her self-employment babysitting income for the months of April and May 2013. (Department Exhibit H)

### **CONCLUSIONS OF LAW**

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. Department of Human Services Bridges Administrative Manual (BAM) 600 (2011), p. 1. The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in sections 400.901 to 400.951 of the Michigan Administrative Code (Mich Admin Code). An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. Mich Admin Code R 400.903(1).

The Food Assistance Program (FAP) was established pursuant to 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 administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.30001-3015. Department policies for the program are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), the Bridges Reference Manual (BRM), and the Reference Tables Manual (RFT).

Department policy indicates that clients must cooperate with the local office in determining initial and ongoing eligibility with all programs. BAM 105. This includes completion of the necessary forms. Clients who are able to but refuse to provide

necessary information or take a required action are subject to penalties. BAM 105. Clients must take actions within their ability to obtain verifications. BAM 130; BEM 702. Likewise, DHS local office staff must assist clients who ask for help in completing forms. BAM 130; BEM 702; BAM 105. Particular sensitivity must be shown to clients who are illiterate, disabled or not fluent in English. BAM 105.

Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. BAM 130. The department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested verification. BAM 130. If the client is unable to provide the verification despite a reasonable effort, the department must extend the time limit at least once. 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.

In the instant case, Claimant is disputing the department's closure of her FAP benefits for failure to provide the requested verification of her self-employment babysitting income.

At the July 25, 2013 hearing, Claimant testified that, upon receiving the Verification Checklist, she attempted on several occasions to contact her case worker, [REDACTED], because she had questions regarding the information and forms that she was required to provide but [REDACTED] never returned her phone calls or voicemails. Claimant further testified that she also went to the department's Luce County office several times to seek assistance from staff in contacting [REDACTED] but continued to be unsuccessful.

[REDACTED] testified that she did not receive any phone calls or voicemails from Claimant before or after the May 17, 2013 verification deadline. [REDACTED] further testified that while she typically provides the Self-Employment Income and Expense Statements to clients who perform babysitting services as a guideline and that a simple statement or ledger regarding babysitting income would be acceptable, [REDACTED] acknowledged that neither the Verification Checklist or the Self-Employment Income and Expense Statements contained this permissive language and/or additional guidance such that Claimant would have clearly understood her reporting responsibilities.

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). Moreover, 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).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record and finds that, based on the competent, material, and

substantial evidence presented during the July 25, 2013 hearing, because Claimant did indeed demonstrate a reasonable effort to provide the required verification of her self-employment income and the department did not provide Claimant with needed assistance or clear guidance regarding her verification responsibilities, the department did not act in accordance with policy in denying Claimant's application for FAP benefits for failure to provide the requested verification.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not act in accordance with policy in denying Claimant's application for FAP benefits for failure to provide the requested verification. Accordingly, the department's action in this regard is **REVERSED** and the department shall immediately reinstate and reprocess Claimant's application for FAP benefits and issue supplement checks for any months she did not receive the correct amount of benefits if she was otherwise entitled to them.

It is SO ORDERED.

/s/ \_\_\_\_\_  
Suzanne D. Sonneborn  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: July 31, 2013

Date Mailed: July 31, 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 60 days of the filing of the original request.

The Claimant may appeal this 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 errors, or other obvious errors in the hearing decision that affect the substantial rights of 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 System  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, MI 48909-07322

SDS/aca

cc:

