

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-57713
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: August 12, 2013
County: Wayne (82-19)

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 August 12, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly close Claimant's Food Assistance Program (FAP) case?

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.
2. In connection with a FAP redetermination interview, Claimant's husband indicated that he had received income for doing odd jobs.
3. On June 4, 2014, the Department sent Claimant a Verification Checklist (DHS-3503) (VCL) requesting, among other things, verification of Claimant's husband's self-employment.
4. Claimant was required to submit requested verification by June 14, 2013.

5. On June 22, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FAP case would close effective July 1, 2013, because she had failed to submit requested verifications.
6. On July 2, 2013, Claimant filed a hearing request, protesting the closure.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), Reference Tables Manual (RFT), and Reference Forms and Publications Manual (RFF).

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, the Department sent Claimant a June 22, 2013, Notice of Case Action notifying her that her FAP case would close effective July 1, 2013, because she had failed to verify requested information. Although the Notice indicates that closure was due to Claimant's failure to verify checking and savings accounts, and rent, and her husband's self-employment and earned income, at the hearing, the Department testified that it had received all requested verifications and had closed Claimant's FAP case because the self-employment verifications were inadequate.

Self-employment income must be verified at redetermination. BEM 502 (October 2012), p. 5. In this case, Claimant indicated in the redetermination interview that her husband received payment for odd jobs. The Department credibly testified that it informed Claimant that payment for odd jobs was considered self-employment income and she would be required to verify this income. On June 4, 2013, the Department sent Claimant a VCL requesting, among other things, verification of Claimant's husband's self-employment income. The Department included blank copies of the Self-Employment Income and Expense Statement (DHS-431) for the months of March 2013, April 2013, and May 2013 to be completed. The DHS-431 is an acceptable verification source for self-employment income. BEM 502 (October 2012), p. 6.


The Department testified that it received the DHS-431 for each of the requested months from Claimant but the responses were inadequate because the statements either did not identify the income amount or were not signed. The client must complete sections I, II, and III of the DHS-431 and sign and date the form. RFF (January 2009), p. 3. The client has the responsibility for obtaining required verification unless the client asks the Department for assistance. BAM 130 (May 2012), p. 3. In this case, neither Claimant nor her husband requested any assistance from the Department in completing the DHS-

431 forms. In light of the fact that the submitted documents were incomplete and did not adequately verify the self-employment income at issue, the Department acted in accordance with Department policy when it closed Claimant's FAP case.

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 requested verifications.

Accordingly, the Department's decision is AFFIRMED.


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

Date Signed: August 16, 2013

Date Mailed: August 19, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

2013-57713/ACE

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

ACE/pf

cc:

