

**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.: 2013-58130
Issue No.: 3008
Case No.: ██████████
Hearing Date: August 15, 2013
County: Wayne (35)

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 August 15, 2013, from Detroit, Michigan. Claimant and ██████████ appeared and testified. Participants on behalf of the Department of Human Services (Department) included ██████ ██████ Assistance Payment Worker.

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 May 1, 2013, the Department sent Claimant a Semi Annual Contact Report that was to be completed and returned on or before June 1, 2013. (Exhibit 1)
3. On June 19, 2013, the Department sent Claimant a Verification Checklist (VCL) for which Claimant was required to submit requested verifications by July 1, 2013. (Exhibit 2)

4. On July 8, 2013 the Department sent Claimant a Notice of Case Action, informing him that his FAP case closed effective July 1, 2013 based on a failure to verify requested information. (Exhibit 4)
5. On July 10, 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. Semi Annual forms are often used to redetermine eligibility for active programs. BAM 210 (July 2013), p 1. The Department will send a Semi-Annual Contact Report the beginning of the fifth month for cases assigned a 12-month benefit period. BAM 210, p.7. A report is considered complete when all of the sections (including the signature section) are answered completely and required verifications are returned by the client or client's authorized representative. BAM 210, p. 7. 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. p.9. If the client fails to return a complete Semi Annual Contact Report by the last day of the sixth 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 Semi Annual Contact Report, Claimant's eligibility to receive FAP benefits was reviewed. Because Claimant included self-employment receipts that were not clear with his Semi Annual Contact Report, on June 19, 2013 the Department sent Claimant a VCL requesting that verification of Claimant's wife's other self-employment income such as business receipts and other business records be

returned to the Department by July 1, 2013. (Exhibits 1 and 2). At the hearing, the Department stated that because Claimant did not submit the requested verifications by the due date, on July 8, 2013, it sent Claimant a Notice of Case Action, informing him that his FAP case was closed effective July 1, 2013 based on a failure to return verification of self-employment payments. (Exhibit 4).

At the hearing, Claimant confirmed that he received the VCL and stated that he did not submit the verifications on time because he did not understand what documents the Department was requesting and what he needed to submit. Claimant stated that he called the Department after receiving the VCL but that he was unable to reach anyone.

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. Timely notice of the FAP case closure is not required if the FAP certification period has expired. BAM 220 (July 2013), p. 4. In this case, a new benefit period was not certified because the Department did not receive the requested verifications on time. Therefore, the Department properly closed Claimant's FAP case and provided him with notice of the closure, as Claimant confirmed that he did not return the verifications by the 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 did act 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: August 23, 2013

Date Mailed: August 23, 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

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

ZB/cl

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]