

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-68797
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: December 2, 2013
County: Wayne (18)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, an in-person hearing was held on December 2, 2013, from Taylor, Michigan. Participants included the above-named Claimant Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Supervisor, who appeared by telephone.

ISSUE

The issue is whether DHS properly denied Claimant's application for Food Assistance Program (FAP) benefits due to Claimant's failure to verify income and/or assets.

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 [REDACTED]/13, Claimant submitted an Assistance Application to DHS requesting FAP benefits.
2. Claimant's application listed that Claimant had Veteran's Administration (VA) income and assets in a checking account.
3. On [REDACTED]/13, DHS mailed Claimant a Verification Checklist requesting proof of VA income and checking account balance.

4. The VCL due date was [REDACTED]/13.
5. Claimant failed to submit proof of income or checking account information to DHS.
6. On [REDACTED]/13, DHS denied Claimant's FAP benefit application due to Claimant's failure to verify income and/or assets.
7. On [REDACTED]/13, Claimant requested a hearing to dispute the FAP application denial.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015. Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM) and Department of Human Services Bridges Eligibility Manual (BEM) and Department of Human Services Reference Tables Manual (RFT).

Prior to a substantive analysis, it should be noted that Claimant's hearing listed an authorized hearing representative (AHR). The AHR did not appear for the hearing. During the hearing, Claimant waived his right to representation.

Claimant requested a hearing to dispute a FAP application denial. It was not disputed that DHS denied Claimant's application due to Claimant's failure to verify income and/or assets.

For FAP benefits, DHS is to verify the value of countable assets at application. BEM 400 (7/2013), p. 55 DHS is to verify all non-excluded income at application. BEM 500 (7/2013), p. 12.

For all programs, DHS is to use the DHS-3503, Verification Checklist to request verification. BAM 130 (7/2013), pp. 2-3. DHS must give clients at least ten days to submit verifications. *Id.*, p. 3 DHS must tell the client what verification is required, how to obtain it, and the due date. *Id.*, p. 2.

It was not disputed that DHS mailed Claimant a VCL giving Claimant 10 days to return proof of income and a checking account. Claimant testified credibly that he asked a case manager to return the documents for Claimant. Claimant clarified that the case manager was from an agency that assisted Claimant with various needs. Claimant failed to provide any first-hand evidence that the requested proofs were returned to DHS. Claimant testified that his case manager supposedly returned the documents via email. Claimant conceded that the case manager probably did not return the requested proofs because there was no known way that the case manager would have possessed digital copies of Claimant's proofs.

DHS presented credible testimony that the proof requested by VCL from Claimant were not returned. The testifying DHS supervisor stated that any returned items would have been a part of Claimant's file. The testifying DHS supervisor also stated that DHS received no documents from Claimant other than Claimant's application. Based on the presented evidence, it is found that Claimant failed to submit to DHS required income and asset verifications.

For FAP benefits, DHS is to send a negative action notice when:


- the client indicates refusal to provide a verification, or
- the time period given has elapsed and the client has not made a reasonable effort to provide it.

Id., p. 5.

Based on Claimant's failure to return required proof of income and assets, it is found that DHS properly denied Claimant's FAP benefit application. As discussed during the hearing, Claimant's proper remedy is to reapply for FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's FAP benefit application dated [REDACTED]/13. The actions taken by DHS are **AFFIRMED**.



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

Date Signed: 12/10/2013

Date Mailed: 12/10/2013

NOTICE OF APPEAL: 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.

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).

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

CG/hw

cc:

