

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

**IN THE MATTER OF:**

██████████  
████████████████████  
████████████████████

Reg. No.: 2013 69685  
Issue No.: 3008  
Case No.: ██████████  
Hearing Date: October 21, 2013  
County: Wayne (57)

**ADMINISTRATIVE LAW JUDGE:** Lynn M. Ferris

**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, a telephone hearing was held on October 21, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ Assistance Payments Worker and ██████████ Assistance Payments Supervisor.

**ISSUE**

Due to a failure to comply with the verification requirements, did the Department properly  deny Claimant's application  close Claimant's case  reduce Claimant's benefits for:

- |  |   |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)?        | <input type="checkbox"/> Adult Medical Program (AMP)?       |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Medical Assistance (MA)?                  | <input type="checkbox"/> Child Development and Care (CDC)?  |

**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  applied for  received:  
 FIP  FAP  MA  AMP  SDA  CDC  
benefits.

2. Claimant was required to submit requested verification by August 23, 2013, and returning Verification of Employment; August 15, 2013 [REDACTED] ([REDACTED]); and August 22, 2013 Wage Match, [REDACTED]. Exhibits 2, 3 and 4.
3. On October 1, 2013, the Department  
 denied Claimant's application.  
 closed Claimant's case.  
 reduced Claimant's benefits.
4. On September 4, 2013, the Department sent Claimant/Claimant's Authorized Representative (AR) notice of its action. Exhibit 1
5. On September 17, 2013, Claimant/Claimant's Authorized Hearing Representative (AHR) filed a hearing request, protesting the Department's action. Claimant Exhibit A

### **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 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.

Additionally, in this case the issue is whether the Department properly closed the Claimant's Food Assistance case during the redetermination period for failure to return verification of employment and two [REDACTED] requiring response from the Claimant. During the hearing it was apparent that although the Claimant may not have been working for the [REDACTED] in August 2013, the Claimant was clearly obligated to provide a verification of her employment ending due to the closure of schools and a verification of employment that her employment was to begin on September 3, 2013. The Claimant did not provide the requested verification stating in her hearing request that her employer could not complete the verification of employment because school was closed and she sent to check stubs instead. Claimant Exhibit A.

The Claimant was sent a verification of employment which was to be returned August 26, 2013 and was to be completed by the [REDACTED] Exhibit 4. The Claimant made no effort to have the verification completed by the personnel Department of the [REDACTED] which was open for business during the period schools were closed. The Claimant did provide check stubs, covering the last two weeks in July 2013 and the first week in August 2013; however, at the same time

advised the Department she was not working due to the school closure. Claimant Exhibit A. The check stubs alone did not provide the Department with proper evidence of employment ending, and thus the Department properly requested verification of employment ending so the income could be removed from the Claimant's FAP budget.

Additionally, the Claimant was sent two separate wage match requests requiring her to provide information regarding employment of her son, which was reported to the Department through an IRS match, and a wage match for the Claimant regarding her employment with the [REDACTED] beginning January 1, 2013. The Claimant did not respond to either of these wage match requests. Exhibits 2 and 3. At the redetermination the Department credibly testified that it was the first notice that it had that the Claimant was employed at the [REDACTED] and therefore needed verification of employment, as well as wage match information, so that the Claimant's FAP benefits could be properly computed.

Because the great weight of the evidence demonstrated that the Claimant did not return any of the requested verifications or wage match information, the Department had no choice but to close her food assistance benefits and did so in accordance with policy found in BAM 130 (7/1/13).

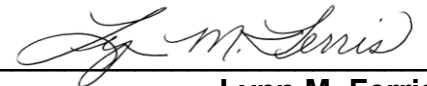
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any finds that the Department

acted in accordance with Department policy when it closed the Claimant's Food Assistance case for failure to provide requested information and wage match information.

**DECISION AND ORDER**

Accordingly, the Department's decision is

AFFIRMED.



**Lynn M. Ferris**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: October 28, 2013

Date Mailed: October 28, 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

LMF/cl

cc:

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