

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No.: 2014-15692
Issue No.: 3001
Case No.: [REDACTED]
Hearing Date: January 8, 2014
County: SSPC-East (97-98)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 January 8, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED]
[REDACTED]

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case?

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 November 14, 2013, Claimant applied for FAP benefits.
2. On November 21, 2013, the Department sent Claimant a Notice of Case Action approving her application for expedited FAP benefits for November 14, 2013, to November 30, 2013.
3. On November 21, 2013, the Department sent Claimant a Verification Checklist (VCL) requesting verification of savings and checking accounts, rent, wages, and loss of employment by December 2, 2013.
4. Claimant did not respond to the VCL.

5. On December 3, 2013, the Department sent Claimant a Notice of Case Action closing her FAP case effective December 1, 2013.
6. On December 4, 2013, Claimant filed a request for hearing disputing the Department's actions.

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), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

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 a November 21, 2013, Notice of Case Action, Claimant was approved for \$31 in FAP benefits for the period from November 14, 2013, when she applied, to November 30, 2013. A review of the file after the hearing showed that Claimant's December 4, 2013, request for hearing concerned the amount of FAP benefits she received. However, the evidence at the hearing showed that the Department sent Claimant a Notice of Case Action on December 3, 2013, closing her FAP case because of failure to provide requested verifications. The hearing proceeded to address the closure of Claimant's FAP case.

The Department established at the hearing that Claimant was approved for expedited FAP benefits but her case closed effective December 1, 2013, when she failed to provide requested verifications.

In this case, Claimant applied for FAP benefits on November 14, 2013. For expedited FAP cases, groups that apply after the 15th of the month receive a minimum benefit period of two months (month of application and following month). BAM 117 (July 2013), p. 5. Therefore, upon the Department's approval of her expedited FAP application, Claimant was eligible to receive benefits through the month of November 2013 but her FAP case would close effective December 1, 2013, if she did not provide requested verifications.

FAP applicants eligible for expedited service, which provides for a shortened standard of process, must verify identity, and the Department makes a reasonable effort to verify income, assets and other eligibility factors. BAM 117, p. 3. FAP groups that do not provide all additional required verifications are not issued benefits for subsequent months until they provide the waived verification or complete a redetermination. BAM 117, p. 5. If the client fails to verify requested information by the 10th day following the

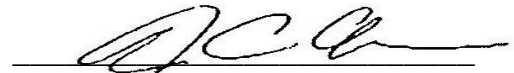
request (or by the extended date, if granted), the benefit period will expire at the end of the expedited month unless the verification is returned within 30 days of the date of the application and the application is subject to subsequent processing. BAM 117, p. 5.

The Department testified that it did not receive a response to the November 21, 2013, VCL requesting verification of Claimant's checking and savings accounts, shelter expenses, earned income and loss of employment and closed Claimant's FAP case effective December 1, 2013, based on her failure to provide requested information. At the hearing, Claimant admitted she did not provide the requested verifications by the due date or at any time afterwards.

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 Claimant's FAP case.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



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

Date Signed: January 13, 2014

Date Mailed: January 13, 2014

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.

2014-15692/ACE

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

ACE/pf

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]