

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

IN THE MATTER OF:



Reg. No.: 2014-19860
Issue No(s): 3002
Case No.: [REDACTED]
Hearing Date: January 29, 2014
County: DHS-SSPC West

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 29, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] friend and Authorized Hearing Representative. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Eligibility Specialist.

ISSUE

Did the Department properly deny the Claimant's Food Assistance Program (FAP) application based on a failure to comply with verification requirements?

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 18, 2013, the Claimant applied for FAP.
2. On November 26, 2013, a Verification Checklist was issued to the Claimant stating what verifications were needed by the December 6, 2013 due date.
3. On December 3, 2013, the Claimant submitted some of the requested verifications.
4. On December 13, 2013, a Notice of Case Action was issued to the Claimant stating the FAP case was denied based upon a failure to provide verifications.
5. On December 23, 2013, the Claimant filed a request for hearing contesting the Department's determination.

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, a Claimant must cooperate with the local office in determining initial and ongoing eligibility, including completion of necessary forms, and must completely and truthfully answer all questions on forms and in interviews. BAM 105.

Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. Verifications are considered timely if received by the date they are due. The Department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested verification. The Department worker must tell the client what verification is required, how to obtain it, and the due date. The client must obtain required verification, but the Department must assist if the client needs and requests help. If neither the client nor the Department can obtain verification despite a reasonable effort, the Department worker should use the best available information. If no evidence is available, the Department worker is to use their best judgment. The Department is to send a case 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. BAM 130.

For FAP, if the client contacts the Department prior to the due date requesting an extension or assistance in obtaining verifications, the Department must assist them with the verifications but not grant an extension. The Department worker must explain to the client they will not be given an extension and their case will be denied once the due date is passed. Also, the Department worker shall explain their eligibility and it will be determined based on their compliance date if they return required verifications. BAM 130. The Department must re-register the FAP application if the client complies within 60 days of the application date. BAM 115 and BAM 130.

On November 26, 2013, a Verification Checklist was issued to the Claimant stating what verifications were needed by the December 6, 2013 due date. Specifically the Department requested proofs regarding: wages, salaries, tips, and commissions; loss of employment; checking account; and child support current. Regarding wages, one of the following proofs was requested: last 30 days of check stubs or earning statements; employer statement; DHS-38 Verification of Employment form; or DHS-356 Agricultural Income Verification form. Regarding loss of employment, the one of the following proofs was requested: employment records, employer statement, or DHS-38 Verification of Employment form. (Exhibit A, pages 6-7)

On December 3, 2013, the Claimant returned one pay stub, documentation of the child support payment, and a bank statement. (Exhibit A, pages 8-11) The Department asserts that the Claimant did not provide pay stubs for 30 days, verification of the loss of employment and verification of new employment. It is noted that the Verification Checklist did not indicate a Verification of Employment form for the new employment was needed in addition to 30 days of check stubs or earning statements. However, if 30 days of pay stubs were not provided, then other acceptable proof of the new employment, such as the Verification of Employment form, should have been submitted to satisfy the request for verification of wages.

The testimony of the Eligibility Specialist and the Claimant's Authorized Hearing Representative indicated that the Claimant's employment with Gill ended on or about November 18, 2013 and it was a while before he got his first paycheck from McDonalds. The Claimant's Authorized Hearing Representative stated this is why the Claimant submitted the only paycheck stub he had.

There is no evidence that the Claimant provide the requested verification that his prior employment ended. Further, the Claimant did not provide either 30 days of pay stubs or other verification of his wages for the past 30 days. The Eligibility Specialist testified that the Department did not receive any requests from the Claimant for assistance with obtaining verifications prior to the December 6, 2013 due date. Accordingly, the Department's determination to deny the Claimant's FAP application must be upheld. The Claimant may wish to re-apply for FAP at any time.

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 denied the Claimant's FAP application.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



Colleen Lack
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 7, 2014

Date Mailed: February 7, 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.

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

CL/hj

cc:

