

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-20297
Issue No(s): 3002, 3003
Case No.: [REDACTED]
Hearing Date: January 29, 2014
County: Macomb County DHS #12

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] the Claimant, and [REDACTED] mother. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Eligibility Specialist, and [REDACTED] Eligibility Specialist.

ISSUE

Did the Department properly close the Claimant's Food Assistance Program (FAP) case 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. The Claimant's FAP case was due for Redetermination in October 2013.
2. On September 16, 2013, a Redetermination form was sent to the Claimant with a due date of October 4, 2013 for returning the completed form with proofs.
3. On October 9, 2013, a Verification Check list was sent to the Claimant stating what verifications were needed by the October 21, 2013 due date.
4. On October 28, 2013, a Notice of Case Action was sent to the Claimant stating the FAP case would close effective November 1, 2013, because the requested verifications were not provided.

5. On December 17, 2013, the Claimant filed a request for hearing contesting the Department's action.

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 as well as when information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. 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. BAM 130.

At redetermination, FAP clients have until the last day of the redetermination month or 10 days, whichever is later, to provide verification. 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.

Benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. A redetermination packet is considered complete when all of the sections of the redetermination form including the signature section are completed. If a client files an application for redetermination before the end of the benefit period, but fails to take a required action, the case is denied at the end of the benefit period. BAM 210.

On September 16, 2013, a Redetermination form was sent to the Claimant with a due date of October 4, 2013 for returning the completed form with proofs. (Exhibit 4) The Eligibility Specialist testified that the Claimant returned the required Redetermination form and an interview was completed. The Claimant reported her live-in partner works at Rivercrest Arms Apartments and gets paid weekly. (Exhibit 4) In processing the Redetermination, the system showed a second employer, John's Lumber, which was not reported. (Exhibit 3)

Accordingly, on October 9, 2013, a Verification Checklist was sent to the Claimant stating what verifications were needed by the October 21, 2013, due date. Specifically, wage and loss of employment verifications were requested. The comments section indicated that if the Claimant's live-in partner was no longer working for John's Lumber, they needed to complete the enclosed form indicating his last gross pay date and amount. The comments section also indicated his October 8, 2013 check stub was needed from Rivercrest Arms Apartments. (Exhibit 2) The Eligibility Specialist testified that the Claimant did not request assistance with obtaining the verifications, nor an extension of the due date and the requested verifications were not returned. On October 28, 2013, a Notice of Case Action was sent to the Claimant stating the FAP case would close effective November 1, 2013, because the requested verifications were not provided. (Exhibit 1)

The Claimant testified that when they got the forms from the Department they did the best they could to fill them out. The Claimant explained that the change in employment was unexpected. Additionally, there were problems with getting the information the Department requested. The woman who ran the office had broken her arm and the Claimant turned in everything they could get at the time. Additionally, while this was going on the Claimant and her live-in partner split up. The Claimant explained this to the Department during a pre-hearing conference.


The Department properly requested verification to resolve the discrepancy between the reported employment of the Claimant's live-in partner and the additional employer shown in the system at the time of the Redetermination. Income from employment is an eligibility factor for FAP. Accordingly, the verifications were needed to complete the October 2013 Redetermination. Before the due date for the verification checklist or by the end of the Redetermination month, the Claimant had not provided the required verifications, explained the difficulties she had in providing the requested information or requested the Department's assistance with obtaining the verifications. The BAM 210 policy is clear that Benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. Accordingly, the

closure of the Claimant's FAP case must be upheld. If she has not already done so, the Claimant may wish to re-apply for FAP.

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 FAP case based on a failure to comply with verification requirements.

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:

201420297/CL

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

CL/hj

cc:

