

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

**IN THE MATTER OF:**



Reg. No.: 2014-21557  
Issue No.: 3002  
Case No.: [REDACTED]  
Hearing Date: February 6, 2014  
County: Oakland (63-02)

**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 February 6, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

**ISSUE**

Did the Department properly deny Claimant's application for Food Assistance Program (FAP) benefits due to failure to verify?

**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 22, 2013, Claimant applied for FAP benefits.
2. On December 11, 2013, the Department sent Claimant a Verification Checklist (VCL) requesting verification of rent, bank account, and unearned income by December 23, 2013.
3. The Department did not receive a response to the VCL by the due date.
4. On December 23, 2013, the Department sent Claimant a Notice of Case Action denying the application.

5. On January 2, 2014, 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, the Department denied Claimant's November 22, 2013, FAP application in a December 23, 2013, Notice of Case Action because Claimant had failed to verify requested information.

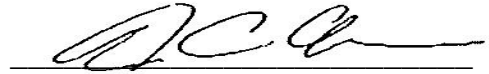
At the hearing, the Department explained that it sent Claimant a December 11, 2013, VCL requesting verification of rent, bank account savings and unearned income payment by December 23, 2013. The Department testified it did not receive any response to the VCL until January 2, 2014, after the December 23, 2013, Notice of Case Action denying the application was sent to Claimant. The Department further explained that the submitted documents, particularly the verification of the bank account, was inadequate because the first page of the form listing the value of the account was missing and because the form was dated August 2013.

Claimant testified that she had previously provided the information requested by the Department. However, Claimant's testimony indicated that verifications had been provided to the Department in connection with other programs and not in response to the VCL generated in connection with the processing of her November 22, 2013, FAP application. The Department noted that the documents provided on January 2, 2014, were dated August 2013. Therefore, Claimant did not provide verifications to the Department during the same period she was requested to provide the verifications in the VCL. There was no evidence that Claimant contacted the Department after the VCL was sent to her with any concerns about the verifications requested.

Because Claimant did not provide, or make any reasonable effort to provide, the requested verifications before the Department denied her application and there was no evidence that she requested any assistance in obtaining the verifications that the Department failed to provide, the Department acted in accordance with Department policy when it denied Claimant's FAP application. See BAM 130 (July 2013), p. 6.

**DECISION AND ORDER**

Accordingly, the Department's decision denying Claimant's November 22, 2013, FAP application is AFFIRMED.



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

Date Signed: February 10, 2014

Date Mailed: February 10, 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

ACE/pf

cc:

