

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2014-21776  
Issue No(s): 3002  
Case No.: [REDACTED]  
Hearing Date: February 6, 2014  
County: DHS-SSPC-West

**ADMINISTRATIVE LAW JUDGE:** Darryl T. Johnson

**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 Lansing, Michigan. Participants on behalf of Claimant included the Claimant, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Eligibility Specialist [REDACTED].

**ISSUE**

Did the Department properly determine Claimant's Food Assistance Program (FAP) benefits?

**FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant applied for FAP on December 5, 2013.
2. In a Notice of Case Action dated December 5, 2013 (Exhibit 1 Pages 7-8), Claimant's application was denied because "gross income exceeds limit."
3. A Verification Checklist (Exhibit 1 Pages 9-10) was mailed to Claimant on December 17, 2013, in which Claimant was instructed to provide proof of his property taxes and home insurance by December 27, 2013.
4. Claimant owns a home and has no mortgage.
5. In a Notice of Case Action dated January 2, 2014 (Exhibit 1 Pages 11-13), Claimant was approved for benefits of \$[REDACTED] for the partial month of December 2013 and \$[REDACTED] per month beginning January 1, 2014.

6. Claimant's benefits were based upon earned income of \$ [REDACTED] per month, and no housing costs because Claimant had not verified his home owner's insurance or property taxes.
7. On January 3, 2014 Claimant requested a hearing.

### 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.

"Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms; see Refusal to Cooperate Penalties in this item. Clients must completely and truthfully answer all questions on forms and in interviews." BAM 105.

Per BAM 130, at page 6, says:

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email or Mi Bridges document upload), the date of the transmission is the receipt date. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a DHS representative are considered to be received the next business day.

Send a negative 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.

The issue is whether the Claimant provided timely verification in response to the request. The evidence is persuasive that the Verification Checklist was mailed to the Claimant at his address of record. The evidence also establishes that the Claimant did not fully respond by the deadline. Because he did not comply by timely providing his verification, the Department properly calculated his budget without allowing any deduction for housing expenses that could have been supported by verification of his home owner's insurance and property taxes.

It is noted that Claimant testified that he had submitted – twice – his proof of insurance and property taxes, by uploading them into the Department’s system. The Department’s witness testified, during a January 8, 2014 pre-hearing conference, that she had provided Claimant with her email address and advised him he could submit his supporting documents to her through email. Claimant agreed that she had provided it to him, and that he had not submitted the verification. Claimant testified that he had the images of his taxes and insurance saved to a USB drive, but that he had to restore his computer, and he had just been too busy with work and other personal issues to submit the documentation to the Department through email.

As stated above, the Claimant is required to provide verification of expenses. He has had the opportunity to submit them through various methods but has not done so.

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 calculated Claimant’s FAP benefits based upon a budget that does not include housing costs.

**DECISION AND ORDER**

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



**Darryl T. Johnson**  
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

DJT/las

cc:

