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

IN THE MATTER OF:



Reg. No.: 201425118

Issue No.: <u>3002</u>

Case No.: February 27, 2014

County: Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

Following Claimant's r equest 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 F ebruary 27, 2014, from Lansing, Michigan. Participants on behalf of Clai mant included Participants on behalf of the Department of Human Services (Department) included

<u>ISSUE</u>

Whether the Department of Human Services (Department) properly close the Claimant's Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

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

- 1. The Claim ant was an ongoing Food As sistance Program (FAP) recipient until January 1, 2014.
- On May 8, 2013, the D epartment sent the Claimant a Wage Match Client Notice (DHS-4638), requesting that the he provide verification of his income by June 7, 2013.
- 3. On December 19, 2013, the Department notified the Claimant that it would terminate his Food Assistance Program (FAP) benefits as of January 1, 2014.
- 4. The Department received the Claimant's request for a hearing on January 15, 2014, protesting the closure of his Food Assistance Program (FAP) benefits.

CONCLUSIONS OF LAW

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 the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (March 1, 2013), p 5. Verification means documentation or other evidence e to establish the accuracy of the client's verbal or written statements. Department of Human Services Bri dges Assistance Manual (BAM) 130 (May 1, 2012), p 1. Verific ation is usually required at application/redetermination and for a reported change affecting elig ibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130. W hen documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

The Claimant was an ongoing Food Ass istance Program (FAP) recipient when the Department sent him a Wage Match Clie nt Notice (DHS-4638). The Department requested that the Claimant provide verification of earned income by June 7, 2013.

The Department did not receive the request ed verification documents. The Claimant failed to establish that he requested assi stance with obtaining the information the Department had requested, or that he requested an extension to the due date.

On December 19, 2013, the Department notified the Claimant that it would terminate his Food Assistance Program (FAP) benefits as of January 1, 2014.

The Claimant argued t hat he m ade a reas onable attempt to provide the Department with the information necessary to determine his eligibility to participate in the Food Assistance Program (FAP). The Claimant test ified that the records requested by the Department were old and difficult to obtain.

This Administrative Law Judge finds t hat the Claimant had a duty to provide the Department with information necessary to determine his continue deligibility to participate in the Food Assistance Program (FAP). Since the Claimant failed to provide the information the Department requested, the Department was acting in accordance with its policies when it terminated the Claimant's Food Assistance Program (FAP) benefits.

DECISION AND ORDER

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 terminated the CI aimant's Food Assistance Program (FAP) benefits.

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

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Kevin	Scully
	Administrative Law Judge
	for Maura D. Corrigan, Director
	Department of Human Services

Date Signed: March 4, 2014

Date Mailed: March 4, 2014

NOTICE OF APP EAL: The claimant may appea I the Dec ision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, i f a timely Request for Rehearing or Reconsiderati on was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not order a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 disc overed evidence that existed at the time of the or iginal 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.

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The Department, AHR or the clai mant must specify all reas ons 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

KS/hj

CC:

