

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2014-22678
Issue No(s): 1002;3008
Case No.: ██████████
Hearing Date: March 24, 2014
County: Wayne (76)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 March 24, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Family Independence Specialist

ISSUE

Did the Department properly process Claimant's Food Assistance Program (FAP) and Family Independence Program (FIP) 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 was an ongoing recipient of FAP benefits.
2. Claimant was approved for FAP benefits in the amount of ██████████ monthly. (Exhibit 4)
3. In November 2013, Claimant submitted an application for FIP benefits.
4. On December 19, 2013, the Department sent Claimant a Verification Checklist requesting that she submit proof of her children's school attendance and residential address by December 30, 2013. (Exhibit 1)

5. On January 7, 2014, the Department sent Claimant a Notice of Case Action informing her that her FIP application had been denied on the basis that she failed to return verification of her children's school attendance and residential address. (Exhibit 2)
6. On January 14, 2014, Claimant submitted a hearing request 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).

FAP

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.

Claimant submitted a hearing request disputing the Department's calculation of her FAP benefits. At the hearing, the Department presented an eligibility summary which establishes that since November 1, 2013, Claimant was approved for FAP benefits in the amount of ██████ monthly for a group size of three and that there had been no lapse or interruption in her receipt of FAP benefits in that amount. (Exhibit 4, p.9). Claimant confirmed that she has been receiving FAP benefits in the amount of ██████.

According to RFT 260, the maximum amount of monthly FAP benefits that Claimant's confirmed group size of three is eligible to receive is ██████ RFT 260 (December 2013), p.1.

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 the amount of Claimant's FAP benefits.

FIP

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

Additionally, verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (January 2014), p.1. To request verification of information, the Department sends a VCL which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p.3. The client must obtain the required verification, but the Department may assist if the client needs or requests help. If neither the client nor the Department can obtain verification despite a reasonable effort, the Department is to use the best available information and if no evidence is available, the Department is to use its best judgment. BAM 130, p.3. FIP clients are given 10 calendar days to provide the verifications requested by the Department. Verifications are considered to be timely if received by the date they are due. BAM 130, pp.5-6. The Department sends a negative action notice when the client indicates a 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, p. 6.

In this case, in connection with her FIP application, the Department sent Claimant a VCL requesting that she submit verification of her children's school attendance and residential address by December 30, 2013. (Exhibit 1). The Department testified that because it did not receive the requested verifications by the due date, it denied Claimant's FIP application and on January 7, 2014, provided her with a Notice of Case Action informing her of the denial based on a failure to return verification of school attendance and residential address. (Exhibit 2).

At the hearing, Claimant confirmed that she received the VCL and testified that in response, she submitted report cards for both of her children as well as a copy of her residential lease three or four days prior to the December 30, 2013 due date. Claimant credibly stated that she dropped the documents off to the local Department office, signed her name to the log, wrote down her specialist's name and identified what documents she was submitting. Claimant provided copies of what she submitted to the Department which include two report cards and a residential lease. (Exhibit A). Claimant further testified that she had submitted the requested documents several times in connection with the current FIP application as well as previous FIP applications that were not processed by the Department.

The Department representative testified that a review of Claimant's electronic log did not reveal that Claimant dropped documents off to the Department, but further stated that she was on vacation at the time that Claimant's verifications were due, so it is possible that the documents submitted by Claimant were not forwarded to her upon returning to work.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, because Claimant made a reasonable effort to provide the requested verifications, the Department did not act in accordance with Department policy when it denied Claimant's FIP application based on a failure to verify.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED IN PART with respect to the amount of Claimant's FAP benefits and REVERSED IN PART with respect to the denial of Claimant's FIP application.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Register and process Claimant's November 14 2013, FIP application;
2. Issue supplements to Claimant for any FIP benefits that she was entitled to receive but did not from November 14, 2013, ongoing; and
3. Notify Claimant of its decision in writing.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 25, 2014

Date Mailed: March 25, 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

ZB/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]