

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

IN THE MATTER OF:

██████████
████████████████████
████████████████████

Reg. No.: 2014 32548
Issue No(s): 5002
Case No.: ██████████
Hearing Date: April 14, 2014
County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 April 14, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████ ██████, Assistance Payment Worker.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case for failure to provide verification of income?

Did the Department properly deny Claimant's application for State Emergency Relief (SER) for failure to verify information necessary to determine eligibility?

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 is an ongoing recipient of Food Assistance Program (FAP) benefits.
2. On March 6, 2014, the Department sent Claimant a Verification Checklist (VCL) requesting that she provide current proof of income by March 17, 2014.

3. On or before March 12, 2014, Claimant applied for benefits under the SER program.
4. On March 12, 2014, the Department sent Claimant a Notice of Case Action notifying her that her FAP case would close for failure to verify her income.
5. Also on March 12, 2014, the Department sent Claimant a SER Decision Notice notifying her that her application for SER benefits had been denied because she failed to provide the requested verification.
6. On March 18, 2014, Claimant filed a request for hearing disputing 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.

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and by Mich Admin Code, R 400.7001 through R 400.7049.

Additionally, Claimant filed a request for hearing regarding the closure of her FAP case and the denial of her SER application.

FAP

The Department failed to provide any documentation concerning Claimant's FAP case but provided testimony at the hearing. Claimant was an ongoing FAP recipient. The Department testified that it sent Claimant a Notice of Case Action on March 12, 2014 because Claimant failed to provide verification of her income. The Department further testified that prior to sending the Notice of Case Action, it mailed a VCL to Claimant on March 6, 2014 requesting pay stubs with a due date of March 17, 2014. The Department acknowledged that Claimant provided sufficient pay stubs on March 5, 2014. The Department explained that the receipt of the pay stubs had been overlooked. However, the Department was unable to explain why it sent Claimant a Notice of Case Action on March 12, 2014 notifying her that her FAP case would close effective April 1,

2014 when she was not required to return any documents until March 17, 2014. Department policy requires that clients be allowed ten calendar days to provide the requested verification. BAM 130 (January 1, 2014), p. 5.

SER

Claimant completed an application for SER benefits requesting assistance with her utilities. In response to Claimant's application, the Department sent Claimant a VCL to determine her eligibility. On March 12, 2014, the Department sent Claimant a SER Decision Notice indicating that her request for SER benefits had been denied for failure to return the requested information. However, on March 19, 2014, the Department confirmed that it received the information required and as such, approved Claimant's request for SER benefits on that date.

Claimant requested assistance with both heat and utilities. The Department agreed to pay \$113.41 towards Claimant's utilities with no required co-payment from Claimant. The Department confirmed that the \$113.41 payment had been credited to Claimant's DTE account. The Department further agreed to pay \$450.00 towards Claimant's heating expense after she paid a co-payment in the amount of \$336.16. Claimant testified that she notified the Department on or about March 25, 2014 that she had paid her required co-payment. Prior to the hearing, the Department had not verified that the co-payment had been paid and therefore had not paid the Department's portion of the heating expense. However, during the hearing, the Department confirmed that the co-payment made by Claimant had been credited to her DTE account on March 28, 2014.

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 did not act in accordance with Department policy when it closed Claimant's FAP case effective April 1, 2014 or when it denied Claimant's application for SER assistance.

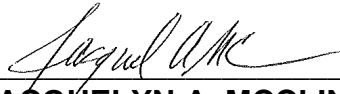
DECISION AND ORDER

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

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. Reinstate Claimant's FAP case as of April 1, 2014;
2. Issue supplements to Claimant for any FAP benefits she was entitled to receive but did not from April 1, 2014, ongoing; and

3. Release the \$450.00 payment as a result of the March 19, 2014 State Emergency Relief Decision Notice.


JACQUELYN A. MCCLINTON
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 24, 2014

Date Mailed: April 24, 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

JAM/cl

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