

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201428561
Issue No(s): 3002
Case No.: [REDACTED]
Hearing Date: March 18, 2014
County: Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 18, 2014, from Lansing, Michigan. Participants on behalf of Claimant included herself, her husband [REDACTED] and her brother [REDACTED]. Participants on behalf of the Department of Human Services (Department) included AP Supervisor [REDACTED].

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) for failure to provide required verifications?

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 Food Assistance Program (FAP) benefits. Claimant's FAP was due for redetermination by January 31, 2014.
2. On December 16, 2013, Claimant was sent a Redetermination Form (DHS-1010). The form and required verifications were due back on January 2, 2014.
3. On December 17, 2013, Mr. Al-Rabeei obtained a print out of his pay check stubs for submission as verification.
4. On January 2, 2014, Claimant submitted the Redetermination Form (DHS-1010) and the December 17, 2013, print out of Mr. Al-Rabeei's pay check stubs.
5. On January 24, 2013, Claimant was sent a Verification Checklist (DHS Form 3503) requesting verification of changed rent and "Missing check stubs." The verifications were due on February 3, 2014.

6. On February 10, 2014, Claimant's Food Assistance Program (FAP) was closed for failure to provide Mr. [REDACTED] pay check stubs.
7. On February 18, 2014, Claimant submitted a request for 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.

On December 17, 2013, Mr. Al-Rabeei obtained a print out of his previous seven weeks pay check stubs for submission with the Redetermination Form (DHS-1010). That income verification was submitted on January 2, 2014. His weekly income is consistently \$250. Department of Human Services Bridges Eligibility Manual (BEM) 505 Prospective Budgeting/Income Change Processing (2013) page 5 states the 30-day period used for prospecting future income, can begin up to 30 days before the interview date or the date the information was requested. The seven weeks of income verification submitted was sufficient income verification in accordance with Department policy.

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 Food Assistance Program (FAP) for failure to provide required verifications.

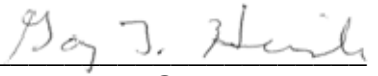
DECISION AND ORDER

Accordingly, the Department's decision **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 Food Assistance Program (FAP) and process the redetermination in accordance with Department policy.

2. Supplement Claimant any Food Assistance Program (FAP) benefits she was eligible for in accordance with the redetermination but did not receive due to the incorrect closure.



Gary F. Heisler
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

201428561/GFH

GFH/hj

cc:

