

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

IN THE MATTER OF:

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

Reg. No.: 14-000729
Issue No.: 3002
Case No.: ██████████
Hearing Date: May 7, 2014
County: WAYNE-DISTRICT 19

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 May 7, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Assistance Payment Manager.

ISSUE

Did the Department properly deny Claimant's application for Food Assistance Program (FAP) benefits for failure to return a New Hire Client Notice?

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 FAP recipient.
2. On November 5, 2013, the Department sent Claimant a New Hire Client Notice with a due date of November 15, 2013.
3. Claimant misplaced the form and called her worker on two occasions beginning November 7, 2013 requesting a new form.
4. Claimant did not receive a return call but did receive a Notice a Case Action notifying her that her FAP case would close effective December 31, 2013 for failure to return the New Hire Client Notice.
5. Claimant reapplied for FAP benefits on January 17, 2014.

6. Claimant received benefits from January 17, 2014 through February 28, 2014.
7. On February 10, 2014, the Department sent Claimant a Notice of Case Action notifying her that her FAP case would close effective February 28, 2014 for failure to verify requested information.
8. On April 8, 2014, Claimant filed a Request for Hearing 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).

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.

In this case, Claimant's FAP case closed in December because she failed to complete the new hire verification form regarding her daughter's income. Department policy holds that if the new hire verification is not returned by the 10th day, the case will close for a minimum of 30 days. BAM 807 (July 2013), p. 2. The new hire verification form was sent to Claimant on November 5, 2013 and was due on November 15, 2013. Claimant testified that she misplaced the new hire form and was unable to return the form prior to the due date. Claimant did not appeal the closure of the FAP case effective December 31, 2013 and therefore the Department was required to impose a 30-day sanction.

Claimant reapplied for FAP benefits on January 17, 2014 after being instructed to do so by her assigned worker. Claimant's sanction period ended on or about January 31, 2014. Additionally, Claimant testified that her daughter, who was the subject of the new hire verification, was no longer living in the home when she submitted the January 17, 2014 application and was not included as a household member on her application. Because Claimant reapplied within the 30-day sanction period, even though she did not include her daughter as a household member, she was required to provide information concerning her daughter's income. However, the Department must explain to the client what verifications are required. BAM 130 (January 2014), p.3.

The Department acknowledged that after Claimant reapplied for benefits on January 17, 2014, it did not send Claimant a VCL requesting her daughter's income or verification of her residency prior to sending the Notice of Case Action notifying her that her FAP case

would close effective March 1, 2014. Because the sanction period ended on or about January 31, 2014, the Department should have sent Claimant a VCL regarding her daughter's income and/or residency and determined her eligibility as of February 1, 2014, ongoing.

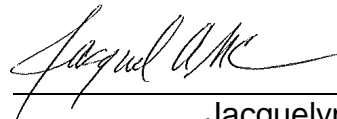
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it failed to send Claimant a VCL and subsequently closed her FAP case.

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. Redetermine Claimant's eligibility from February 1, 2014, ongoing;
2. Send Claimant a Verification Checklist regarding her daughter's income/residency;
3. Issue supplements to Claimant for FAP benefits that she was eligible to received but did not from February 1, 2014, ongoing; and
4. Notify Claimant of its decision in writing.



Jacquelyn A. McClinton
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **5/14/2014**

Date Mailed: **5/14/2014**

JAM / cl

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

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