

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

**IN THE MATTER OF:**

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

Reg. No.: 14-002749  
Issue No.: 3002  
Case No.: ██████████  
Hearing Date: June 18, 2014  
County: Oakland (2-Madison Hts)

**ADMINISTRATIVE LAW JUDGE:** Michael J. Bennane

**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 June 18, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████

**ISSUE**

Did the Department properly deny Claimant's Food Assistance Program (FAP) application?

**FINDINGS OF FACT**

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

1. On April 7, 2014, Claimant applied for FAP.
2. On April 8, 2014, the Department sent Claimant a verification checklist requesting income information, including employment and self-employment income, as well as housing costs.
3. On May 2, 2014, the Department sent Claimant a notice of case action that it had denied Claimant's FAP application for excess income, failure to verify all bank accounts, and Claimant being fired from his job.
4. On May 12, 2014, Claimant requested a hearing to protest the denial of his FAP application.

## **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 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

### **Excess Income**

At the hearing, the Department presented Claimant's 2013 federal tax return showing gross receipts or sales of \$127,950.

Further review of Claimant's 2013 federal tax return shows that the Department did not calculate Claimant's income by deducting expenses from the gross receipts/sales. BEM 502 (April 2014).

### **Verification**

The Department listed the failure of Claimant to provide documentation of all of the bank accounts previously listed for Claimant.

At the hearing, the Department testified that Claimant did provide documentation of the closing of the two bank accounts in question. This documentation was provided to the Department at the prehearing after the Department had already denied Claimant's FAP application.

Claimant was unable to testify to having provided the verification concerning the two bank accounts in question prior to the prehearing.

This Administrative Law Judge finds that Claimant failed to verify all of the bank accounts in a timely fashion. It is also recommended that Claimant reapply for benefits.

### **Firing**

The Department lists Claimant's firing from a job as a third reason for having denied Claimant's FAP application. This Administrative Law Judge can find no policy supporting the withdrawal of FAP benefits for being fired from a job. Department policy does provide for sanction of a Claimant who voluntarily quits a job, without good cause,

or reduces hours of employment below 30 hours per week without good cause. The issue of being fired from a job does not cause legitimate sanction of a Claimant. BEM 230B (October 2013).

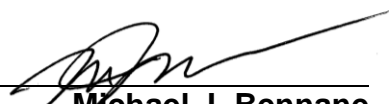
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department

- acted in accordance with Department policy when it denied Claimant's FAP application for failure to verify two bank accounts prior to the Department's negative action.
- did not act in accordance with Department policy when it .
- failed to satisfy its burden of showing that it acted in accordance with Department policy when it .

**DECISION AND ORDER**

Accordingly, the Department's decision is

- AFFIRMED.
- REVERSED.
- AFFIRMED IN PART with respect to and REVERSED IN PART with respect to .

  
\_\_\_\_\_  
**Michael J. Bennane**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: **6/26/2014**

Date Mailed: **6/26/2014**

MJB / pf

**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]