

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-003194
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: June 26, 2014
County: Oakland-2

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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, telephone hearing was held on June 26, 2014 from Lansing, Michigan. Claimant personally appeared and provided testimony. Participants on behalf of the Department of Human Services (Department) included [REDACTED] (Eligibility Specialist) and [REDACTED] (Assistance Payments Supervisor).

ISSUE

Did the Department properly deny Claimant's application for Food Assistance Program (FAP) due to a failure to comply with the verification requirements?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

1. Claimant received FAP benefits.
2. On March 4, 2014, the Department mailed Claimant a Verification Checklist (DHS-3503) which requested that Claimant provide verifications of assets concerning Claimant and her son. Claimant was required to submit requested verification by March 14, 2014.
3. On May 12, 2014, the Department mailed Claimant a Notice of Case Action (DHS-1605) which closed Claimant's FAP case effective June 1, 2014. The DHS-1605 included comments from your specialist which indicated that proof of checking and savings account from [REDACTED] and proof of an annuity for Claimant's son were not received.
4. On May 23, 2014, Claimant filed a hearing request, protesting 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), and Department of Human Services Reference Tables Manual (RFT).

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.

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. BAM 105, p 18. Clients must take actions within their ability to obtain verifications. BAM 130 and BEM 702 (1-1-2014). Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130. Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. BAM 130.

Verifications are considered timely if received by the date they are due. BAM 130, p 6. For FAP, the department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested verification. BAM 130, p 6. The Department worker must tell the client what verification is required, how to obtain it, and the due date. BAM 130. The Department sometimes will utilize a verification checklist (VCL) or a DHS form telling clients what is needed to determine or redetermine eligibility. See Bridges Program Glossary (BPG) at page 47.

Here, the Department contends that Claimant's FAP case was properly closed because she failed to provide all requested verification of assets before the March 14, 2014 deadline. Specifically, the Department alleges that Claimant failed to provide proof of checking and savings account from [REDACTED] ([REDACTED]) and proof of an annuity belonging to Claimant's son. Claimant, on the other hand, contends that a representative from [REDACTED] faxed the Department a letter which indicated that Claimant's son no longer has a checking or savings account. Claimant then states that during the week of March 11-14, she had a telephone conversation with the Department representative ([REDACTED] s. [REDACTED]) who confirmed receipt of [REDACTED] s letter. [REDACTED] [REDACTED] denies that this conversation took place. Claimant did not dispute that she failed to provide verification of her son's annuity, but states that due to her son's disability, the requirement to repeatedly provide the Department with verifications is overly burdensome.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). The weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). Moreover, it is for the fact-finder to gauge the demeanor and veracity

of the witnesses who appear before him, as best he is able. See, e.g., *Caldwell v Fox*, 394 Mich 401, 407; 231 NW2d 46 (1975); *Zeeland Farm Services, Inc v JBL Enterprises, Inc*, 219 Mich App 190, 195; 555 NW2d 733 (1996).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record. Claimant did not provide a fax confirmation or any other documentation to support her testimony that the [REDACTED] faxed the requested verifications concerning her son's checking and savings account. The testimony regarding an alleged conversation between Claimant and [REDACTED] is not credible. This Administrative Law Judge finds that Claimant did not provide the Department with copies of these verifications. In addition, Claimant did not deny that she failed to provide the Department with verification of her son's annuity at any time. Claimant's main argument was that she didn't believe it was fair for the Department to repeatedly request that she provide verifications. However, it should be noted that departmental policies regarding verifications are unambiguous. These policies (cited above) provide that a claimant is responsible for providing the department with verification information so that the department may properly determine eligibility for assistance. The policies provide that if a client requests assistance obtaining the verifications or requests an extension of time, the Department must help. Here, Claimant did not ask for assistance or an extension of time to obtain the verifications. Simply because Claimant determines that the verification requests are not relevant or she believes that the Department already has the verifications, it does not follow that she is not required to provide them in response to a verification request. Accordingly, this Administrative Law Judge finds that the substantial, material and competent evidence shows that the Department correctly determined that Claimant failed to comply with the verification requirements.

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 closed Claimant's FAP case for failure to provide requested verifications.

DECISION AND ORDER

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

IT IS SO ORDERED.



C. Adam Purnell
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **6/27/2014**

Date Mailed: **6/27/2014**

CAP/las

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:

