

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-000712
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: MAY 7, 2014
County: WAYNE-DISTRICT 31

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 [REDACTED], Assistance Payment Worker and [REDACTED], Hearings Facilitator.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case based on a failure to provide verification of his employment?

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 FAP benefits.
2. On February 6, 2014, the Department sent Claimant a Wage Match Client Notice seeking verification of his employment at [REDACTED] ([REDACTED]) by March 10, 2014. (Exhibit 1)
3. On March 18, 2014, the Department sent Claimant a Verification Checklist (VCL) and a Verification of Employment form requesting that Claimant submit verification of his employment with [REDACTED] by March 24, 2014. (Exhibit 1).
4. On March 31, 2014, the Department sent Claimant a Notice of Case Action informing him that effective May 1, 2014, his FAP case would be closed on the basis that he failed to return verification of his employment. (Exhibit 2)

5. On April 4, 2014, Claimant submitted a hearing request 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.

The Department routinely matches recipient employment data with the Michigan Department of Energy, Labor & Economic Growth Unemployment Insurance Agency (UIA) through computer data exchange processes. These data exchanges assist in the identification of potential current and past employment income. BAM 802 (December 2013), p 1. When there is a discrepancy between the wage match information and the client's work history stated on an application or other information in the client's case record, the Department must request verification from the client by sending a Wage Match Client Notice (Wage Match). BAM 802, p. 2. If verifications are not returned by the 30th day, the case will close for a minimum of 30 days after appropriate actions are taken in the Department's system unless the client returns verifications. BAM 802, p 2.

Additionally, verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (January 2014), p.1. To request verification of information, the Department sends a Verification Checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. FAP clients are given 10 calendar days to provide the verifications requested by the Department. Verifications are considered to be timely if received by the date they are due. BAM 130, pp.5-6. The client must obtain required verification, but the Department must assist if the client needs or requests help. If neither the client nor the Department can obtain the verification despite a reasonable effort, the Department is to use the best available information and if no available evidence is available, the Department is to use its best judgment. BAM 130, p.4. For FAP cases, the Department sends a negative action notice when the client indicates a refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 6.

In this case, the Department stated that although Claimant did return the Wage Match on the due date of March 10, 2014, it was completed by Claimant and not his employer. The Department testified that because Claimant's employer did not complete and sign the Wage Match, it could not be accepted. The Department stated that after receiving

the Wage Match, it was informed by Claimant that he was having difficulty retrieving employment information from his employer and that he had to submit a request in writing. As a result, the Department sent Claimant a VCL and Verification of Employment form for which Claimant was instructed to have his employer complete and return the requested information to the Department by March 28, 2014. (Exhibit 1). The Department stated that because it did not receive the completed Verification of Employment form, it sent Claimant a Notice of Case Action on March 31, 2014, informing him that his FAP case would be closing effective May 1, 2014, based on a failure to verify. (Exhibit 2).

At the hearing, Claimant confirmed that he received the VCL and the Verification of Employment. Claimant stated that he called his employer to have the Verification of Employment form completed and was informed that he would be required to submit a written request. Claimant testified that he attempted to contact his employer regarding the requested verifications but that he did not hear back.

Although the Department is not to terminate assistance because an employer or other source refuses to verify income, in this case, Claimant did not inform the Department of his employer's refusal to assist in verifying the income and employment. BEM 501 (January 2014), p.9. The only communication that Claimant had with the Department concerning the difficulty he was having in obtaining the verifications was after the Wage Match was submitted but prior to receiving the VCL and Verification of Employment forms.

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 based on a failure to return verification of his employment. Claimant is informed that he is entitled to submit a new application for FAP benefits and have his eligibility determined.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

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

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

ZB / tlf

cc:

