

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

IN THE MATTER OF:



Reg. No.: 14-002085
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: JUNE 9, 2014
County: MACOMB-DISTRICT 36

ADMINISTRATIVE LAW JUDGE:

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 9, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case for failure to verify requested information?

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. In connection with information Claimant provided in her semi-annual contact report, the Department sent Claimant a Verification Checklist (VCL) on April 10, 2014 requesting verification of her employment income by April 21, 2014.
3. Claimant did not respond to the VCL.
4. On April 23, 2014, the Department sent Claimant a Notice of Case Action notifying her that her FAP case would close effective May 1, 2014, because she had failed to verify her employment.

5. On May 9, 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 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.

Additionally, if a FAP recipient indicates in a semi-annual contact report that her gross income has changed by more than \$100 from the pre-filled amount identified on the form, the client must return verification of her past 30 days of earning with the completed form. BAM 210 (October 2013), p. 9. If a client fails to provide verifications with the semi-annual contact report, she has ten calendar days from the date the verification is requested to provide all documents and information. BAM 210, p 14.

In this case, the Department sent Claimant a VCL requesting income verification after she indicated in her semi-annual contact report that there had been a change in her income. The verifications were due on April 21, 2014. At the hearing, Claimant admitted that she did not turn in the verifications. She explained that she attempted to deliver her paystubs in compliance with the VCL request before the due date but she had inadvertently gone to a closed Department office and was unable to reach her worker. She also testified that a family friend had died on April 20, 2014.

A review of the VCL sent to Claimant shows that the Department office was identified on the paperwork, as well as her worker's number. Claimant had ten days to gather and deliver her paystubs. She could also have mailed her paystubs to the local office. See BAM 130 (April 2014), p. 6. The facts in this case indicate that the failure to provide the requested verifications was due to Claimant's actions, not the Department's.

Under the facts presented in this case, the Administrative Law Judge finds that the Department acted in accordance with Department policy when it closed Claimant's FAP case for failure to verify income information.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **6/11/2014**

Date Mailed: **6/11/2014**

ACE / ttf

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:

