

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

IN THE MATTER OF:



Reg. No.: 2014-35155
Issue No(s): 3002
Case No.: [REDACTED]
Hearing Date: May 22, 2014
County: Wayne (19)

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 22, 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 Supervisor

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case on the basis that she failed to return requested verifications?

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 a redetermination, Claimant's eligibility to receive FAP benefits was reviewed.
3. On February 28, 2014, the Department sent Claimant a Verification Checklist (VCL) requesting that she submit verification of her vehicle value and donation or contribution from an individual outside the group by March 10, 2014. (Exhibit 1)
4. On March 28, 2014, the Department sent Claimant a Quick Note informing her that the verifications she had submitted were insufficient and instructing her to resubmit

the requested verifications by April 4, 2014. The Department attached a second copy of the VCL originally sent on February 28, 2014. (Exhibit 3)

5. On April 17, 2014, the Department sent Claimant a Notice of Case Action informing her that effective March 1, 2014, her FAP case had closed on the basis that she failed to return verification of her unearned income. (Exhibit 5)
6. On April 23, 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 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, 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. 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. However, FAP benefits stop at the end of the benefit period unless a redetermination is completed, all verifications are received and a new benefit period is certified. BAM 210 (October 2013), p 2.

In this case, the Department testified that because it did not receive the verification of the monetary donation or contribution that Claimant receives monthly by the extended due date of April 4, 2014, it was unable to certify a new FAP benefit period and Claimant's FAP case closed effective March 1, 2014. On April 17, 2014, the Department sent Claimant a Notice of Case Action informing her of the case closure based on a failure to return the requested verification of unearned income. (Exhibit 5). The Department stated that on April 23, 2014, it received verification of Claimant's unearned

income establishing that she receives a monthly monetary donation from her sister. (Exhibit 4).

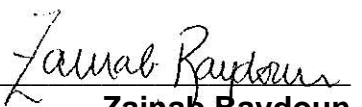
At the hearing, Claimant confirmed that she received the VCL and the Quick Note instructing her what verifications were required. Claimant stated that she was confused on what she was required to submit and that on April 9, 2014; she mailed a copy of the letter drafted by her sister, confirming that she receives a monthly monetary donation. (Exhibit 4).

After further review of the evidence presented, the Department clearly instructed Claimant on what verifications were requested and provided her with extended time to submit the requested verifications. Although Claimant stated that she mailed in the unearned income verification on April 9, 2014, this was still after the extended April 4, 2014, due date and the verification was not date stamped as received by the Department until April 23, 2014. Therefore, the Department acted in accordance with Department policy when it closed Claimant's FAP case effective March 1, 2014, as it was unable to certify a new FAP benefit period. BAM 210, pp. 14-19.

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 on the basis that she failed to return verification of her unearned income.

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: May 28, 2014

Date Mailed: May 28, 2014

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides or has its principal place of business in the State, 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

ZB/tlf

cc:

