

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

IN THE MATTER OF:



Reg. No.: 201435353
Issue No(s): 3002
Case No.: [REDACTED]
Hearing Date: May 22, 2014
County: SSPC East

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 for failure to verify rent expense, address, and bank account checking?

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 11, 2014, Claimant applied for FAP benefits.
2. On April 11, 2014, the Department sent Claimant a Notice of Case Action approving his FAP case for the month of April 2014.
3. On April 11, 2014, the Department sent Claimant a Verification Checklist (VCL) requesting proof of residential address, rent, and checking account by April 21, 2014.
4. Claimant did not respond to the VCL by April 21, 2014.

5. On April 24, 2014, the Department sent Claimant a Notice of Case Action notifying him that his FAP case was denied for May 1, 2014 ongoing due to failure to verify his rent, checking account, and residential address.
6. On May 2, 2014, Claimant filed a request for hearing disputing the Department's actions and included a copy of his water bill and rent receipt and a Chase bank receipt.

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, in a April 11, 2014, Notice of Case Action, Claimant was approved for \$121 in FAP benefits for the period from April 11, 2014, when he applied, to April 30, 2014. At the hearing, the Department explained that Claimant was approved for expedited FAP benefits pending verification of additional requested documentation.

FAP applicants eligible for expedited service must provide minimum verification in order to receive expedited FAP benefits. BAM 117 (October 2013), pp. 1-3. FAP groups that receive expedited FAP benefits but do not provide all additional required verifications are not issued benefits for subsequent months until they provide the waived verification or complete a redetermination. BAM 117, p. 5. If the client fails to verify requested information by the 10th day following the request (or by the extended date, if granted), the benefit period will expire at the end of the expedited month unless the verification is returned within 30 days of the date of the application and the application is subject to subsequent processing. BAM 117, p. 5. If the verifications are returned between 31 and 60 days after the application was filed, the Department reregisters the application using the date the client completed the process, and if the client is eligible, the Department prorates benefits from the date the client complied. BAM 115 (March 2014), p. 23.

In this case, the Department sent Claimant an April 11, 2014 VCL requesting verification of residential address, rent and checking account by April 21, 2014. Claimant did not respond by the due date. However, with his May 2, 2014 request for hearing, he submitted a rent receipt and water bill that the Department testified was sufficient to

verify address and rent. Although Claimant also included a bank receipt with his request for hearing, the Department testified that the receipt was inadequate because it did not identify Claimant. It is also noted that the receipt was dated August 2013 and was not current. A checking account is an asset that a client must verify at application. BEM 400 (February 2014), pp. 13-14, 57. Because the bank receipt provided to the Department was not sufficient to verify Claimant's checking account, the Department acted in accordance with Department policy when it closed Claimant's FAP case.

Claimant was advised that he could provide a current checking account statement from his financial institution to the Department no later than June 10, 2014 to have his April 11, 2014 application reprocessed and to have FAP benefits, if eligible, issued beginning from the date the statement is submitted. Otherwise, Claimant may reapply for FAP.

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.

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: May 29, 2014

Date Mailed: May 29, 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.

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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

ACE/tif

cc:

