

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

IN THE MATTER OF:

██████████
██
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Reg. No.: 14-006718
Issue No.: 3002
Case No.: ██████████
Hearing Date: August 7, 2014
County: WAYNE-41 (FORT WAYNE)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 August 7, 2014, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Hearing Facilitator and ██████████, Eligibility Specialist.

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly reinstate the Claimant's Food Assistance (FAP) case and deny retro-active benefits due to Claimant not providing verification of his daughter's employment?

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 applied for received:
FIP FAP MA SDA CDC
benefits.
2. Claimant was required to submit requested verification by 5/7/14.

3. On 6/1/14, the Department
 - denied Claimant's application.
 - closed Claimant's case.
 - reduced Claimant's benefits. Exhibit 1 pp 25.
4. On 7/11/14, the Department sent Claimant/Claimant's Authorized Representative (AR) notice of its action.
5. On 7/10/14, Claimant/Claimant's Authorized Hearing Representative (AHR) 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.

Additionally, in this case the Department sought verification from the Claimant of his daughter's employment with [REDACTED]. On May 7, 2014 during a redetermination discussion with the Department, the Claimant advised the Department that his daughter was no longer living with him. The Department removed the daughter from the group on 5/7/14, but requested a verification of employment be completed by the Claimant with respect to his daughter's employment. The Verification was returned by the Claimant on 6/20/14, and was returned after the 5/21/14 due date. Exhibit 1 pp 22-23. The Verification was not completed by the Employer and the Claimant wrote on the Verification that the Claimant's daughter, [REDACTED], did not live there anymore. The Claimant testified that he advised the Department in December 2013 that he dropped a statement, signed by his daughter, that she no longer lived there in the Department drop box. The Department had no record of receiving such a document. The Department's case notes indicate that the Claimant advised the Department on May 7, 2014, that the Claimant's daughter had moved. Subsequent to the due date, the Claimant's daughter's employer faxed to the Department her earnings history. Claimant Exhibit A. On May 1, 2014, the Department closed the Claimant's food assistance case for failure to verify information. A wage match notice was sent to the Claimant on April 21, 2014 to be completed and was returned by the Claimant indicating that the Claimant's daughter did not live there anymore. This response was returned after the due date of May 21, 2014.

Based upon the evidence presented, the Department advised at the hearing that due to the failure to return the wage match, the FAP case was closed. The Department was aware as of May 7, 2014, that the daughter was removed from the group. There is no other evidence that the Claimant advised the Department in December 2013, as contended by the Claimant.

Based upon the evidence presented, it is determined that the Department should not have closed the FAP case for failure of the Claimant to return this information, as his daughter was no longer a group member. Based upon the evidence presented it is determined that the requested information was not required in order for the Department to process the Claimant's redetermination. Once the daughter was removed, the Department did not need the earning information, except for possible recoupment. Based upon the Department's actions, it is determined that it improperly closed the Claimant's FAP case for failure to provide the wage information. Because the Claimant's daughter no longer lived with him, it was the department's responsibility to get the information from the daughter's employer. The Department is required to review the Claimant's FAP benefits from May 1, 2014, ongoing to determine whether the Claimant was entitled to benefits beginning May 1, 2014 as a FAP group of one member.

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

did not act in accordance with Department policy when it closed the Claimant's FAP case for failure to return wage match for his daughter who was no longer a FAP group member.

DECISION AND ORDER

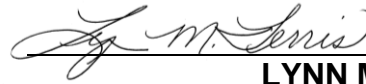
Accordingly, the Department's decision is

REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The department shall review the Claimant's FAP case and determine the appropriate benefit amount from May 1, 2014 ongoing as a FAP group of one based upon the information available to it.

2. The Department shall issue a FAP supplement to the Claimant for FAP benefits the Claimant was otherwise entitled to receive in accordance with Department policy.



LYNN M. FERRIS

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

Date Signed: **8/13/2014**

Date Mailed: **8/13/2014**

LMF/tm

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: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]