

**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.: 14-007301
Issue No.: 3002
Case No.: ██████████
Hearing Date: August 18, 2014
County: Macomb-District (20)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 August 18, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant, ██████████ ██████████. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████, Eligibility Specialist.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) benefits effective August 1, 2014, ongoing?

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 an unspecified date, Claimant submitted a redetermination.
2. On June 30, 2014, the Department sent Claimant a Verification Checklist (VCL), which requested verification of Claimant's sons' (Child 1 and Child 2 (twins)) employment. See Exhibit 1, pp. 6-7. The verifications were due back by July 10, 2014.
3. The Department obtained one of the Claimant's sons' employment verification via the Work Number (Child 1); however, did not obtain verification of the other son's employment (Child 2 – verification at issue).

4. On July 11, 2014, the Department sent Claimant a Notice of Case Action notifying him that his FAP benefits would close effective August 1, 2014, ongoing, due to his failure to provide verification of earned income for Child 1. See Exhibit 1, pp. 8-13.
5. On July 18, 2014, Claimant filed a hearing request, protesting the FAP case closure. See Exhibit 1, pp. 2-3.

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.

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (April 2014), p. 6. This includes completion of necessary forms. BAM 105, p. 6.

For FAP cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verifications it requests. BAM 130 (July 2014), p. 6. The Department sends a negative action notice when: the client indicates 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.

For FAP redeterminations, verifications must be provided by the end of the current benefit period or within 10 days after they are requested, whichever allows more time. BAM 210 (July 2014), p. 14.

On an unspecified date, Claimant submitted a redetermination. On June 30, 2014, the Department sent Claimant a VCL, which requested verification of Child 1 and 2's employment. See Exhibit 1, pp. 6-7. The verifications were due back by July 10, 2014. The Department obtained verification of Child 1 via the Work Number; however, did not obtain verification of Child 2. On July 11, 2014, the Department sent Claimant a Notice of Case Action notifying him that his FAP benefits would close effective August 1, 2014, ongoing, due to his failure to provide verifications of earned income for Child 1. See

Exhibit 1, pp. 8-13. The Department testified that Child 2's income could not be verified via the Work Number and did not conduct a collateral contact to verify employment.

It should be noted, though, the Notice of Case Action referenced Child 1, which was the improper name. See Exhibit 1, p. 9. The name referenced in the Notice of Case Action was actually Child 1, whose employment verification was not in dispute. Nevertheless, the Department argued that it did not receive verification of Child 2's income.

At the hearing, Claimant testified that he submitted the verifications late because he was out of the country. On or around July 10, 2014, Claimant testified that upon his return to the United States, he discovered the VCL request. Then, on or around July 22, 2014, Claimant testified that he submitted at his local DHS office verification of Child 1's employment and also other documentation. During the hearing, the Department notated that before the proceedings were conducted that its computer system did acknowledge receipt of verifications on July 22, 2014. Claimant testified that he also signed the log book.

Additionally, Claimant testified, though, that he did not submit verification of Child 2 until the first week of August 2014. It appeared that Child 2 lived in another city; nevertheless, Claimant testified that he provided the employment verification to Child 2 in order for it to be completed. Moreover, Claimant testified that Child 2 eventually provided him the employment verifications. On or around the first week of August 2014, Claimant testified that he again went to his local DHS office in an attempt to drop off Child 2's verification. However, Claimant testified that the local DHS office prompted him to drop off the verification via the United States Postal Service (USPS) box, which he had completed.

Based on the foregoing information and evidence, the Department properly closed Claimant's FAP benefits effective August 1, 2014.

First, it is harmless error by the Department for notating the improper name on the Notice of Case Action. See Exhibit 1, p. 9. Claimant's own testimony confirmed that he did not submit Child 2's employment verification until the first week of August 2014.


Second, Claimant failed to submit Child 2's verification before the due date and/or by the end of the current benefit period. Claimant credibly testified that he submitted the verification at the USPS box (by the local office) the first week of August 2014. However, Claimant's own testimony indicated that he failed to timely submit the verifications. Because the benefits closed effective August 1, 2014, the end of the benefit period would appear to be July 31, 2014. Thus, Claimant had until the end of July 2014 to submit Child 2's verification. Claimant failed to submit the necessary verifications by July 31, 2014. See BAM 210, p. 14. Moreover, Claimant failed to submit Child 2's verifications by the original due date of July 10, 2014. See BAM 130, p. 6. As such, the Department acted in accordance with Department policy when it closed Claimant's FAP case effective August 1, 2014, due his failure to comply with the

verification requirements. BAM 105, p. 6; BAM 130, p. 6; and BAM 210, p. 14. Claimant can reapply for FAP benefits.

DECISION AND ORDER

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 benefits effective August 1, 2014.

Accordingly, the Department's FAP decision is AFFIRMED.



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

Date Signed: **8/22/2014**

Date Mailed: **8/22/2014**

EJF/cl

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]