

**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.: 14-008162
Issue No(s): 3002
Case No.: ██████████
Hearing Date: September 3, 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 September 3, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Assistance Payment Worker.

ISSUE

Did the Department properly deny Claimant's application for Food Assistance Program (FAP) benefits based on a 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. On June 11, 2014, Claimant submitted an application for FAP benefits.
2. On June 21, 2014, the Department sent Claimant a Verification Checklist instructing her to submit requested information by July 1, 2014. (Exhibit 1)
3. On July 8, 2014, the Department sent Claimant a Notice of Case Action informing her that the application was denied on the basis that she failed to verify requested information. (Exhibit 2)
4. On July 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 (April 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. Although the client must obtain the required verification, the Department must assist if a client needs and requests help. If neither the client nor the Department can obtain the verification despite a reasonable effort, the Department is to use the best available information; and if no evidence is available, the Department is to use its best judgment. BAM 130, p. 3.

With respect to FAP cases, 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.6-7. 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. 7.

In this case, in connection with the FAP application, the Department testified that an application interview was conducted with Claimant. The Department stated that based on the information Claimant provided during the interview, it determined that Claimant was living with a friend whom she prepared and shared food with. The Department testified that it sent Claimant a VCL requesting verification of information regarding Claimant and her friend. (Exhibit 1). Claimant was instructed to return the requested proofs by July 1, 2014. The Department stated that because Claimant failed to return the requested information by the due date and because it did not receive any contact from Claimant concerning the VCL prior to the due date, it sent her a Notice of Case Action on July 8, 2014, denying the application based on a failure to verify. (Exhibit 2).

At the hearing, Claimant testified that she does not live with a friend and only uses the address provided for mailing purposes, as she is living in her car. Claimant confirmed that she received the VCL and stated that she turned in the requested proof of her vehicle information. Claimant could not recall when the verifications were submitted


however, and there was testimony provided establishing that the verifications were likely submitted in connection with a second application that was filed online.

Although there was conflicting information provided regarding whether or not Claimant was actually living with a friend and required to submit information concerning her friend, a review of the evidence establishes that Claimant also failed to submit the verifications that were being requested of her about her own circumstances. Additionally, although Claimant stated that she turned verifications concerning her vehicle, Claimant could not identify exactly when they were submitted and did not establish that she submitted the remaining verifications concerning her own circumstances.

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 denied Claimant's FAP application based on a failure to verify requested information.

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: September 9, 2014

Date Mailed: September 9, 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

ZB/tlf

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