

**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.: 14-008394
Issue No(s): 3001
Case No.: ██████████
Hearing Date: September 03, 2014
County: Macomb (12)

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 ██████████, Hearings Facilitator.

ISSUE

Did the Department properly process Claimant's application for Food Assistance Program (FAP) benefits?

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 25, 2014, Claimant submitted a filing form to the Department, indicating the intent to submit an application for FAP benefits.
2. On July 3, 2014, Claimant submitted an application for FAP benefits.
3. On July 14, 2014, the Department sent Claimant a Verification Checklist instructing him to submit requested verifications by July 24, 2014. (Exhibit 2)
4. On July 24, 2014, the Department sent Claimant a Notice of Case Action informing him that for June 25, 2014, ongoing, his FAP application had been denied on the

basis that he failed to verify or allow the Department to verify requested information. (Exhibit 3)

5. On July 28, 2014, the Department received the verifications that were requested. (Exhibit 4)
6. On August 7, 2014, the Department sent Claimant a Notice of Case Action informing him that he was approved for FAP benefits effective July 28, 2014. (Exhibit 5)
7. On August 1, 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.

Further, BAM 115 provides that if a client completes the application process after denial but within 60 days after the application date, the Department is to reregister the

application using the original application date and if eligible, determine whether to prorate benefits according to the initial benefits policy, provided that the application process was completed on or before the 30th day. If the application process is completed between the 31st and 60th day, the Department is to reregister the application using the date the client completed the process and if eligible, prorate benefits from the date the client complied. BAM 115 (March 2014), p.23.

In this case, in connection with the FAP application submitted, the Department sent Claimant a VCL requesting that he submit proof of his home rent, bank account information, and electrical expense by July 24, 2014. (Exhibit 2). The Department stated that because it did not receive the requested verifications by the due date, it sent Claimant a Notice of Case Action informing him that his application had been denied based on a failure to verify. (Exhibit 3).

The Department testified that it received the requested verifications from Claimant on July 28, 2014, reregistered the application using July 28, 2014, as the date of application completion pursuant to BAM 115, and sent Claimant a Notice of Case Action informing him that he was approved for FAP benefits. (Exhibits 4 and 5).

At the hearing, Claimant confirmed that he received the VCL and stated that on July 24, 2014, he went to his local Department office around 3:20 PM to submit the verifications. Claimant credibly testified that he had all of the verifications with him that day and attempted to turn them in, however, after taking the time to make copies of the documents and writing his name and case number on each page, the Department worker at the front desk would not accept the verifications, as it had turned 5:00 PM. Claimant provided a letter for review at the hearing, which he stated was drafted to submit with his verifications on July 24, 2014, detailing the documents he was turning in. (Exhibit A). Claimant testified that on July 25, 2014, he wrote a detailed letter to his Department case worker explaining what happened the day before and mailed it to the Department that day, along with all of the requested verifications, which were received on July 28, 2014. This letter was also provided for review at the hearing. (Exhibit C).

Under the facts in this case and based on the evidence presented, Claimant made a reasonable effort to timely provide the information requested by the Department and did not indicate a refusal to do so. BAM 130, p 6. Therefore, 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 processed Claimant's FAP application using July 28, 2014, as the date of application completion.


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. Register and process Claimant's June 25, 2014, application for FAP benefits;
2. Issue FAP supplements to Claimant from June 25, 2014, ongoing; and
3. Notify Claimant of its decision in writing.


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

Date Signed: September 11, 2014

Date Mailed: September 11, 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

14-008394/ZB

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]