

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

IN THE MATTER OF:



Reg. No.: 14-010566
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: September 24, 2014
County: DHS SSPC CENTRAL

ADMINISTRATIVE LAW JUDGE: Carmen Fahie

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 Wednesday, September 24, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant and his helper and authorized [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], HC.

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly reduce Claimant's benefits for Food Assistance Program (FAP)?

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 FAP benefits.
2. Claimant was required to submit requested verification by May 12, 2014.
3. On May 30, 2014, the Department reduced Claimant's benefits.
4. On May 30, 2014, the Department sent Claimant/Claimant's Authorized Representative (AR) notice of its action.
5. On August 18, 2014, 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, the Claimant applied for FAP on April 16, 2014. He was approved for expedited FAP benefits based on the information provided on the application on April 16, 2014 for \$■■■ but was required to provide written verification of his expenses. On May 1, 2014, the Department Caseworker sent the Claimant a Verification Checklist for written verifications of that were due on May 12, 2014. Department Exhibit 15-16. The Claimant failed to provide the required verification of his lease obligation and his proof of paying utilities that was due on May 12, 2014. As a result, the Department Caseworker had to remove the rent expense and utility standard from the Claimant's budget resulting in a reduction of FAP benefits from \$■■■ to \$■■■. The Department Caseworker sent the Claimant a notice on May 30, 2014 that his FAP benefits would be reduced to \$19 due to failure to provide verification. BEM 117 and 554.

The Department met their burden that the Claimant's FAP benefits should be reduced because the Claimant failed to provide the required verification to determine continued FAP eligibility.

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 reduced the Claimant's FAP benefits for failure to provide the required verifications to determine continued eligibility for FAP.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

Carmen H. Fahie

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

Date Signed: **10/3/2014**

Date Mailed: **10/3/2014**

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

CGF / tb

cc:

