

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

IN THE MATTER OF:



Reg. No.: 14-011943
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: November 05, 2014
County: OAKLAND-DISTRICT 3 (SOUTHFIELD)

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, an in-person hearing was held on Wednesday, November 5, 2014, from Southfield, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], ES.

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly close Claimant's case 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 received benefits.
2. Claimant was required to submit requested verification by August 1, 2014.
3. On August 31, 2014, the Department closed Claimant's case.
4. On August 31, 2014, the Department sent Claimant/Claimant's Authorized Representative (AR) notice of its action.
5. On September 12, 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 was a recipient of FAP. On July 15, 2014, the Department Caseworker sent the Claimant a Redetermination Application for the Claimant to submit written verifications that were due August 1, 2014. Department Exhibit 5-11. The Claimant failed to provide the required verification of her application and verification of her assets as submitted by Central Office. On August 1, 2014, the Claimant was sent a Notice of Missed Interview, DHS 254, stating that she had missed her interview to re-determine FAP benefits, and she was required to reschedule her interview before August 31, 2014. Department Exhibit 12. BAM 210.

During the hearing, the Claimant stated that she had received a letter from Central Office requiring her to obtain written verifications about 2 sets of unearned income of \$18 and \$100 where the income had been reported to the Department from the IRS, and the Claimant had not reported any unearned income to the Department for the contested time period. She did receive \$100 from Huntington Bank and got the written verification for that unearned income. However, the number for the \$18 unearned was not correct. The Claimant stated she called the number repeatedly, left messages, and was told that she would get a call back when someone answered the phone. No one called the Claimant back.

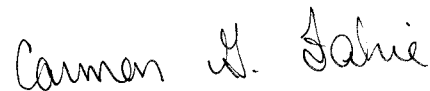
As a result, she testified that she did not complete and submit to the Department the redetermination application. She thought that she had to have everything required before she could submit her application. The Claimant stated she was trying to get the other asset verification. She called the number and got someone who told her that this was the wrong number. The Claimant did finally call her caseworker on September 12, 2014 for assistance. However, it was after the August 31, 2014 deadline, and her FAP case had ended. During the hearing, the Department Caseworker stated that she was only required to submit the redetermination application by the due date that another verification checklist would have been sent out for asset verification. The Claimant was required to reapply for FAP benefits. She reapplied on September 15, 2014 for FAP benefits.

The Department met their burden that the Claimant's FAP case should be closed because the Claimant failed to submit the required redetermination application 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 closed the Claimant's FAP case because she failed to submit a redetermination application by the due date, missed her interview, and failed to reschedule her interview by August 31, 2014.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



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

Date Signed: **11/10/2014**

Date Mailed: **11/10/2014**

CF/crl

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 48909-8139

cc:

