

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 14-000744  
Issue No.: 3002  
Case No.: [REDACTED]  
Hearing Date: May 7, 2014  
County: SSPC CENTRAL

**ADMINISTRATIVE LAW JUDGE: Darryl T. Johnson**

**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 three-way telephone hearing was held on May 7, 2014, from Lansing, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included Hearings Facilitator [REDACTED].

**ISSUE**

Did the Department properly close Claimant's 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. Claimant applied for FAP benefits on January 21, 2014.
2. On February 13, 2014, the Department mailed a Verification Checklist (VCL) to Claimant with a due date of February 24, 2014. (Exhibit 1 Pages 4-5.)
3. Claimant submitted some of the documents requested in the VCL but did not submit verification of her student status.
4. In a Notice of Case Action (NCA) dated February 28, 2014 (Exhibit 1 Pages 6-11), Claimant was notified that her FAP was closed effective March 1, 2014 because she did not return verification of her school attendance.
5. Claimant submitted verification of her student status on March 28, 2014.

6. On April 9, 2014 the Department received Claimant's hearing request.

### 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 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

"Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms; see Refusal to Cooperate Penalties in this item. Clients must completely and truthfully answer all questions on forms and in interviews." BAM 105.

Per BAM 130, at page 6, says:

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email or Mi Bridges document upload), the date of the transmission is the receipt date. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a DHS representative are considered to be received the next business day.

Send 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.

The issue is whether the Claimant provided timely verification in response to the request. The evidence is persuasive that the forms were mailed to the Claimant at her address of record. The evidence also establishes that the Claimant did not fully respond or make a reasonable effort to respond by the deadline. Claimant testified that she faxed her documents three times from the office at her apartment complex. The Department testified that verification of school attendance was not received within 60 days of her application. Because the NCA was mailed on February 28, and Claimant did not submit verification of her student status for another month after that, the evidence is convincing that she had not previously submitted that verification – at least not within the 60 days following her application.

Because Claimant has not produced evidence to show that she responded timely to the VCL (and the evidence actually suggests that it was not submitted before the deadline) the undersigned is persuaded that Claimant did not comply timely, and did not make a reasonable effort to comply timely.

Because she did not comply by timely providing his verification, the Department properly closed her FAP benefits.

The Administrative Law Judge, based upon 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.

**DECISION AND ORDER**

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



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Darryl Johnson  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: **5/8/2014**

Date Mailed: **5/8/2014**

DTJ / las

cc:

