

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 14-000781  
Issue No.: 3002  
Case No.: [REDACTED]  
Hearing Date: May 8, 2014  
County: Kent

**ADMINISTRATIVE LAW JUDGE:** C. Adam Purnell

**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 May 8, 2014 from Lansing, Michigan. Claimant personally appeared and provided testimony. Participants on behalf of the Department of Human Services (Department) included [REDACTED] (Hearing Facilitator), [REDACTED] (Assistance Payments Manager) and [REDACTED] (Eligibility Specialist).

**ISSUE**

Did the Department properly deny Claimant's application for Food Assistance Program (FAP) benefits because she failed to comply with the verification requirements?

**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 on February 11, 2014. (Exhibit 1, pp 2-22)
2. On March 19, 2014, the Department mailed Claimant a Verification Checklist (DHS-3503), which requested Claimant provide verifications of her checking account, savings account and/or Christmas Club account in the form of a current statement from bank or institution or a Verification of Assets Form (DHS-20). The verification checklist indicated that Claimant submitted a [REDACTED] checking account statement but that the Department had a checking and savings for [REDACTED] in their computer system and that the Department needed most recent statement for these two accounts or proof of the accounts being closed. The proofs were due by March 31, 2014.

3. On April 1, 2014, the Department mailed Claimant a Notice of Case Action (DHS-1605) which denied Claimant's application effective February 11, 2014 because she failed to timely and properly return requested verifications by the March 31, 2014 due date. The notice also indicated that Claimant failed to participate in employment or self-sufficiency-related activities or quit a job, were fired, or reduced her hours of employment without good cause.
4. On April 4, 2014, Claimant requested a hearing to dispute 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), 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 who are able but refuse to provide necessary information or take a required action are subject to penalties. BAM 105, p 18 (4-1-2014). Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130, p 1 (4-1-2014). Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. BAM 130, p 1 (4-1-2014).

Verifications are considered timely if received by the date they are due. BAM 130, pp 6-7 (4-1-2014). For FAP, the department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested verification. BAM 130, pp 6-7. Should the client indicate a refusal to provide a verification or, conversely, if the time period given has elapsed and the client has not made a reasonable effort to provide it, the department may send the client a negative action notice. BAM 130, pp 6-7.

The Department worker must tell the client what verification is required, how to obtain it, and the due date. BAM 130, p 3. The Department sometimes will utilize a verification checklist (VCL) or a DHS form telling clients what is needed to determine or redetermine eligibility. See Bridges Program Glossary (BPG) at page 47.

Here, the Department argued that the Department properly denied Claimant's application for FAP benefits after she failed to timely turn in verifications of her checking and savings account from Chase Bank by the March 31, 2014 due date. Claimant, on the other hand, advanced several arguments. First, Claimant testified that her

Department caseworker (██████████) has a personal vendetta against her. Second, Claimant maintained that she personally delivered the requested ██████████ verifications at the Kent County Department of Human Services reception desk on March 3, 2014 and again on March 20, 2014. Third, Claimant disputed the Department's contention that she improperly turned over bank statements from ██████████ although Claimant did not have an account with ██████████. In response, the Department consistently denied that it received Claimant's verifications from ██████████ at any time. ██████████ then pointed out that Claimant could not have turned in the bank statements on March 20<sup>th</sup> after receipt of the verification checklist which was sent only 1 day before on March 19<sup>th</sup>. However, Claimant responded that she and ██████████ during a previous telephone conference that Claimant was required to provide the Department with verifications of her account statements from ██████████. ██████████ stated that she could not recall whether they specifically discussed whether Claimant was required to send the Department statements from ██████████.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). The weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). Moreover, it is for the fact-finder to gauge the demeanor and veracity of the witnesses who appear before him, as best he is able. See, e.g., *Caldwell v Fox*, 394 Mich 401, 407; 231 NW2d 46 (1975); *Zeeland Farm Services, Inc v JBL Enterprises, Inc*, 219 Mich App 190, 195; 555 NW2d 733 (1996).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record. This Administrative Law Judge lacks jurisdiction to address Claimant's allegations that her caseworker has a personal vendetta against her or that the Department is intentionally attempting to obstruct her access to FAP benefits. With regard to the salient issue concerning FAP properly before this Administrative Law Judge, the matter essentially involves a credibility contest. This Administrative Law Judge has considered the testimony in this matter and believes that Claimant did turn in the requested verifications from ██████████. During the hearing, the Department argued that Claimant could not have turned in the verifications on March 20<sup>th</sup> as the verification checklist was mailed the previous day, which was March 19<sup>th</sup>. Claimant's testimony that she and ██████████ discussed the ██████████ Statements during a telephone interview before the verification checklist was sent is credible. Regardless whether Claimant actually delivered the ██████████ verifications on March 20<sup>th</sup> or on a previous date, the record evidence entitled "Electronic Case File" shows that the Department received 3 bank statements from Claimant on March 3, 2014. (See Exhibit 1, p 25) This document, coupled with Claimant's credible testimony that she turned in the ██████████ statements to the Department, is persuasive.

It should also be noted that during the hearing, the Department conceded that a Department employee incorrectly indexed documents from ██████████ and inputted this information on Claimant's case. Based on this information, the Department incorrectly

believed that Claimant turned in bank statements from [REDACTED] on or about March 3, 2014 rather than from [REDACTED]. The record and testimony also shows that the system utilized by the Department's Kent County office used to record the receipt of verification documents from clients was not reliable. Although this occurred prior to the March 19, 2014 verification checklist, this Administrative Law Judge finds that the Department verbally informed Claimant that she was required to turn over statements from [REDACTED] independent of the verification checklist. In addition, Claimant's assistance application on page 14 clearly identifies that she has an account with [REDACTED] (See Exhibit 1, p 15) There is no reason to believe this topic was not discussed during the telephone interview. Thus, this Administrative Law Judge finds that Claimant's testimony that she turned in the verifications from [REDACTED] either on March 3<sup>rd</sup> or March 20<sup>th</sup> to the Department is credible.

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 denied Claimant's February 11, 2014 application for FAP due to failure to return requested verifications.

### **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. The Department shall re-register and reprocess Claimant's FAP application dated February 11, 2014.
2. Only to the extent required by policy, the Department shall provide Claimant with retroactive and/or supplemental FAP benefits.

IT IS SO ORDERED.



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**C. Adam Purnell**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: May 13, 2014

Date Mailed: May 13, 2014

**NOTICE OF APPEAL:** The claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely Request for Rehearing or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted 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 Department, AHR or the claimant 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 the hearing decision is mailed.

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

CAP/las

cc:

