

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

**IN THE MATTER OF:**



Reg. No.: 14-002208  
Issue No.: 3002  
Case No.: [REDACTED]  
Hearing Date: JUNE 9, 2014  
County: MACOMB-DISTRICT 20

**ADMINISTRATIVE LAW JUDGE: Alice C. Elkin**

**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 June 9, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED], Claimant's friend. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Hearing Facilitator, and [REDACTED], intern.

**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 April 16, 2014, Claimant applied for FAP benefits.
2. In connection with processing the application, the Department sent Claimant a Verification Checklist (VCL) requesting certain proofs.
3. Claimant timely submitted the requested verifications to an incorrect local Department office.
4. On April 29, 2014, the Department denied Claimant's application for failure to verify requested information.
5. On May 7, 2014, Claimant filed a request for hearing 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, the Department explained that it initially denied Claimant's application because she had failed to timely respond to the VCL sent to her. However, the Department later became aware that Claimant, who was not aware that her case had been transferred, submitted the requested verifications to another Department local office. Those verifications were forwarded to the correct office and showed that they were received before the due date expired. Verifications are timely if received by the date they are due. BAM 130 (April 2014), p. 6. Under the facts presented, the Department acknowledged that Claimant timely submitted her verifications and that it had erred in denying her application for failure to verify.

During the hearing, the Department testified that on April 30, 2014 it had reregistered and reprocessed Claimant's application. Initially, it appeared that the Department had approved Claimant's application. Upon further testimony, the Department explained that it found Claimant ineligible for FAP benefits for April 2014 based on excess income but was awaiting additional verifications to determine her ongoing FAP eligibility.

BAM 115 (March 2014), p. 8, provides that a client may be ineligible for FAP in the month of application but eligible for a future month due to changes in circumstances. In such cases, the Department must use the same application to deny eligibility for the application month and determine eligibility for later months, with any additional verification requested by the Department. BAM 115, p. 8. Claimant testified that she had notified the Department at the time of her application that she was paid by the job and her employer had not been referring her any new jobs. Therefore, the Department was required to consider Claimant's FAP eligibility for the month of application and when a change was anticipated. The Department properly requested additional employment verifications to verify the employment change. With respect to these additional verifications, Claimant notified the Department on the record that the employer at issue was not cooperating, and she asked for assistance from the Department.

From the evidence presented, the Department established that it had reregistered and begun processing Claimant's April 16, 2014 application but had not completed the process. Accordingly, the Administrative Law Judge finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it reinstated and reprocessed Claimant's FAP application.

**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. Continue to process Claimant's FAP eligibility under the April 16, 2014 application;
2. Issue supplements to Claimant for any FAP benefits she was eligible to receive but did not from April 16, 2014 ongoing; and
3. Notify Claimant in writing of its decision.



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**Alice C. Elkin**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: **6/13/2014**

Date Mailed: **6/13/2014**

ACE / ttf

**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

cc:

