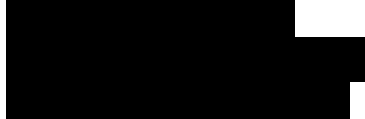


**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 14-002509
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: JUNE 16, 2014
County: OAKLAND-DISTRICT 2

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 16, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and his mother/Authorized Hearing Representative (AHR); [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Assistance Payment Worker and [REDACTED], Assistance Payment Supervisor.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case based on a failure to return requested verifications?

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 February 21, 2014 and February 24, 2014, Claimant submitted applications for FAP benefits.(Exhibit 1, pp.4-33)
2. On March 24, 2014, the Department sent Claimant a Verification Checklist requesting that he submit proof of his self-employment income, disability and donation or contribution from an individual outside the group by April 3, 2014. (Exhibit 1, pp.33-34)
3. On April 7, 2014, the Department sent Claimant a second Verification Checklist requesting that he submit proof of his self-employment income, disability and donation or contribution from an individual outside the group by April 17, 2014. (Exhibit 1, pp.35-36)

4. On May 9, 2014, the Department sent Claimant a Notice of Case Action informing him that effective May 1, 2014, his FAP case was closed effective May 1, 2014, based on his failure to submit verification of the unearned income from a contribution outside the group. (Exhibit 1, pp.40-41)
5. On May 9, 2014, Claimant submitted a hearing request 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 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.

Additionally, verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (January 2014), p.1. To request verification of information, the Department sends a verification checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. Although the client must obtain the required verification, the Department must assist if a client needs and requests help. If neither the client nor the Department can obtain the verification despite a reasonable effort, the Department is to use the best available information; and if no evidence is available, the Department is to use its best judgment. BAM 130, p. 3.

With respect to FAP cases, clients are given 10 calendar days to provide the verifications requested by the Department. Verifications are considered to be timely if received by the date they are due. BAM 130, pp.5-6. The Department sends a negative action notice when the client indicates a refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 6.

In this case, in connection with the applications submitted and based on information provided in the FAP interview, the Department sent Claimant a VCL requesting that he provide certain proofs by April 3, 2014. The Department stated that because it did not receive the verification of the donation or contribution that Claimant receives monthly from his grandfather by the April 3, 2014, due date, it sent Claimant a second VCL requesting the same information. The Department stated that because it did not receive verification of the donation or contribution that Claimant receives from his grandfather, and because it did not receive any communication from Claimant regarding his inability

to submit the information, on May 9, 2014, it sent Claimant a Notice of Case Action informing him that his case had closed effective May 1, 2014, on the basis that he did not provide the Department with the requested verification of his unearned income.

At the hearing, Claimant stated that he is not sure if he received both verification checklists from the Department as he is dyslexic and cannot read. Claimant testified that although at the time of his application he was receiving monthly assistance from his grandfather, this assistance stopped about four months ago. Claimant stated that his grandfather has not provided him with financial help since February 2014 and that he notified the Department of this on several occasions. Claimant's AHR confirmed Claimant's testimony that he has difficulty with reading and filling out forms and that she sometimes assists him if needed. Claimant's AHR stated that she is the manager of Claimant's grandfather's trust and confirmed that Claimant's grandfather has not offered any financial assistance to Claimant for months.

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 closed Claimant's FAP case effective May 1, 2014.

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. Reinstate Claimant's FAP case effective May 1, 2014;
2. Issue supplements to Claimant for any FAP benefits that he was entitled to receive but did not from May 1, 2014, ongoing; and
3. Notify Claimant in writing of its decision.



Zainab Baydoun

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

Date Signed: **6/17/2014**

Date Mailed: **6/18/2014**

ZB / tlf

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:

