

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

IN THE MATTER OF:

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Reg. No.: 14-002512
Issue No.: 3002
Case No.: ██████████
Hearing Date: June 16, 2014
County: MACOMB (36)

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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. Participants on behalf of the Department of Human Services (Department) included ██████ ██████, Hearing Facilitator.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case for failure to returned required documentation?

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 2, 2014.
2. The Department determined that Claimant was qualified for expedited FAP benefits and he began receiving benefits in January 2014.
3. Following a telephone interview with the Department on January 7, 2014, Claimant was sent a Verification Checklist (VCL) requesting proof of rent and current banking account information with a due date of January 17, 2014.
4. On January 29, 2014, the Department sent Claimant a Notice of Case Action notifying him that his FAP case would close effective February 1, 2014 for failure to verify requested information.

5. On April 29, 2014, Claimant returned the requested information and filed a Request for Hearing disputing the closure of his FAP case.

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, verifications are usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (January 2014), p. 1. Department policy holds that if a client receiving FAP benefits contacts the Department prior to the due date requesting an extension or assistance in obtaining verifications, the Department is required to assist them with the verifications but cannot grant an extension. BAM 130, p. 6.

In this case, Claimant applied for FAP benefits on January 2, 2014. On January 7, 2014, the Department conducted a telephone interview. Following the interview, the Department sent Claimant a VCL requesting that he provide proof of his rent as well as his current checking and savings account information. Claimant acknowledged that he received the VCL with a due date of January 17, 2014.

The Department testified that Claimant returned the requested information on April 29, 2014 at which time he also requested a hearing regarding the closure of his FAP case. Claimant testified that he did not timely return the requested information as a result of his disability. Claimant indicated that during the winter months he becomes confused and often remains in bed. However, Claimant was able to successfully complete an application for FAP benefits in January 2014. Further, Claimant admitted that he never contacted the Department to request an extension or to express any difficulty in obtaining the requested information. As previously stated, policy requires the Department to assist clients in removing barriers but it is unable to do so if the client does not make the barriers known to the Department.

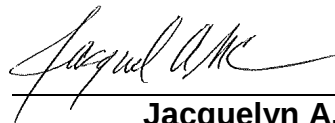
Claimant testified that during January and February 2014, he received and used his FAP benefits. If Claimant was able to leave his home, purchase groceries using his personal PIN number and return to his home, it is reasonable to expect that Claimant

could have at least contacted the Department to request assistance in obtaining the necessary documentation. Because Claimant was able to complete an application for benefits during the winter in January 2014 and was able to purchase food in January and February 2014 but failed to contact the Department to request assistance, it is found that Claimant did not make reasonable efforts to return the required documents by January 17, 2014. Therefore, the Department properly closed Claimant's FAP case.

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 was in accordance with policy when it closed Claimant's FAP case effective February 1, 2014.

DECISION AND ORDER

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



Jacquelyn A. McClinton
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **6/26/2014**

Date Mailed: **6/26/2014**

JAM/cl

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:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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