

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 14-002790
Issue No.: 3002
Case No.: ██████████
Hearing Date: JUNE 18, 2014
County: WAYNE-DISTRICT 17

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 18, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and her daughter, ██████████. Participants on behalf of the Department of Human Services (Department) included ██████████, Family Independence Manager and ██████████, Assistance Payment Worker.

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly close Claimant's Food Assistance Program (FAP) case?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

1. Claimant was an ongoing recipient of FAP benefits.
2. In connection with a redetermination, Claimant's eligibility to receive FAP benefits was reviewed.
3. Claimant was required to submit requested verification by April 11, 2014.(Exhibit 1)
4. On May 2, 2014, the Department sent Claimant a Notice of Case Action informing her that her case was closed effective May 1, 2014, on the basis that she failed to return requested verification of her bank account. (Exhibit 2)

5. On May 12, 2014, Claimant filed a hearing request, protesting 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), and Department of Human Services Reference Tables Manual (RFT).

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, 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. FAP 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. For FAP cases, 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. However, FAP benefits stop at the end of the benefit period unless a redetermination is completed, all verifications are received and a new benefit period is certified. BAM 210 (October 2013), p 2.

In this case, in connection with a redetermination, the Department sent Claimant a VCL on April 1, 2014, instructing her to submit verification of her checking account information by April 11, 2014. (Exhibit 1). The Department testified that because it did not receive the requested verifications by the due date and because it did not receive any communications from Claimant indicating that she was unable to return the requested verifications, it was unable to certify a new FAP benefit period and Claimant's FAP case closed effective May 1, 2014. On May 2, 2014, the Department sent Claimant a Notice of Case Action informing her of the case closure based on a failure to return the requested verification of bank account information. (Exhibit 2). The Department stated that on May 7, 2014, it received the verification of Claimant's bank account information; however, at that point, Claimant's case was already closed. (Exhibit 3).

At the hearing, Claimant confirmed receiving the VCL and stated that timely submitted the requested bank account information. Claimant could not recall exactly which date she submitted the documents to the Department, but indicated that she dropped the bank statements off and signed her name to the sign in log. The sign in/drop off logs for the period of April 3, 2014, to April 10, 2014 were reviewed at the hearing, as Claimant

indicated she dropped off the documents closer to the date she received the VCL. A review of the sign in logs established that Claimant's name did not appear for the period of April 3, 2014 to April 10, 2014. Claimant testified that after receiving the Notice of Case Action, she resubmitted the requested bank statements. (Exhibit 3). Therefore, because the Department did not receive the requested verifications, the Department acted in accordance with Department policy when it closed Claimant's FAP case effective May 1, 2014, as it was unable to certify a new FAP benefit period. BAM 210, pp. 14-19.

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 acted in accordance with Department policy when it closed Claimant's FAP case on the basis that she failed to return verification of her bank account information.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Zainab Baydoun

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

Date Signed: **6/20/2014**

Date Mailed: **6/20/2014**

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:

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