

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

IN THE MATTER OF:



Reg. No.: 14-007129
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: August 19, 2014
County: DHS SSPC-WEST

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 August 19, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

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

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 applied for FAP benefits.
2. Claimant was required to submit requested verification by June 16, 2014.
3. On July 1, 2014, the Department denied Claimant's application.
4. On July 1, 2014, the Department sent Claimant/Claimant's Authorized Representative (AR) notice of its action.
5. On July 9, 2014, Claimant/Claimant's Authorized Hearing Representative (AHR) 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, the Claimant applied for FAP benefits on May 19, 2014. On June 4, 2014 the Department Caseworker sent the Claimant a Verification Checklist for written verification of that was due June 16, 2014. Department Exhibit 8-11. The Claimant failed to provide the required verification of his asset verification of his checking account balance that was due on June 16, 2014. As a result, the Department Caseworker sent the Claimant a notice on July 1, 2014 that FAP benefits would be denied due to failure to provide verification. Department Exhibit 27-29. BEM 502, 504, and 544. BAM 105, 115, and 130.

During the hearing, the Claimant stated that he did not put on his application that he had a checking account. The Department Caseworker stated that the Claimant admitted to having a checking account during the telephone interview. Department Exhibit 6-7. As a result, the Department Caseworker sent the Claimant a verification checklist to provide verification of his checking account as is required by policy. The Claimant stated that he never told the Department Caseworker that he had a checking account during the telephone interview, which is why he did not fill out the verification.

The Claimant stated that he was willing to submit verification from his bank showing that he did not have nor ever had a checking account as soon as possible. Since this seems like a misunderstanding, this Administrative Law Judge will leave the record open for the Claimant to provide the required verification of his checking account status. If the Claimant provides the required verification of his checking account balance, then the Department will reregister and determine eligibility back to the Claimant's application date. On August 19, 2014, the Department Caseworker submitted a fax on behalf of the Claimant of verification from his bank that the Claimant did not have nor had ever had a checking account at that bank.

The Department has not met their burden that the Claimant's FAP application should be denied because the Claimant failed to provide the required verification to determine FAP eligibility due to a misunderstanding between the Claimant and the Department Caseworker.

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 the 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. Initiate a redetermination of the Claimant's eligibility for FAP retroactive to his application date of May 19, 2014 with the checking account verification from his bank provided by the Claimant.
2. Provide the Claimant with written notification of the Department's revised eligibility determination.
3. Issue the Claimant any retroactive benefits she/he may be eligible to receive, if any.



Carmen G. Fahie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **8/28/2014**

Date Mailed: **8/28/2014**

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 Claimant;
- 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

CGF/tb/jaf

cc:

