

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-008185
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: September 2, 2014
County: Calhoun County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 September 02, 2014, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Human Services (Department) included Hearing Facilitator [REDACTED]

ISSUE

Did the Department properly deny Claimant's June 24, 2014 Food Assistance Program application for failure to provide required 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 June 24, 2014, Claimant submitted an application for Food Assistance Program benefits. Claimant's benefit group consisted of Claimant, her husband [REDACTED] and their 4 children.
2. On June 26, 2014, Claimant was sent a Verification Checklist (DHS-3503). (Pages 2A&B) The Verification Checklist (DHS-3503) requested verification of: savings account for both Claimant and [REDACTED] loss of employment for Claimant; and checking account for [REDACTED]. The verifications were due on July 7, 2014.
3. On July 7, 2014, Claimant submitted verifications which included: a [REDACTED] checking account for Jeremy; a [REDACTED] checking and savings account for Claimant; a joint [REDACTED] savings account; and verification of Claimant's loss of employment at [REDACTED].
4. On July 22, 2014, Claimant was sent a Notice of Case Action (DHS-1605) which stated the June 24, 2014 application was denied for failure to provide verifications

including savings account and checking account for [REDACTED] and savings account and loss of employment for Claimant.

5. On July 24, 2014, Claimant submitted a hearing request.

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.

In this case, the June 24, 2014 application Claimant specified: a Consumer's Credit Union checking and savings account in Claimant's name; and a Huntington Bank checking and savings account in Jeremy's name. Claimant testified that she reported her loss of employment at The Salon Academy.

The June 26, 2014, Verification Checklist (DHS-3503) requested verification of checking and savings account but did not identify any specify financial institutions. It also requested verification of Claimant's loss of employment but did not specify the employer.

On July 7, 2014, Claimant submitted verifications which included: [REDACTED] checking account for [REDACTED] a [REDACTED] checking and savings account for Claimant; a joint [REDACTED] savings account; and verification of Claimant's loss of employment at [REDACTED].

The Notice of Case Action (DHS-1605) which denied this application states the reason for the action was failure to verify bank accounts and Claimant's loss of employment.

Claimant had previous eligibility periods during which her group received Food Assistance Program benefits. Claimant testified that when they received Food Assistance Program benefits before: they were in a different geographic area and have move to their present location since; that she had lost employment at the [REDACTED] [REDACTED] and that they used [REDACTED] but those accounts are closed because there are no [REDACTED] branches near their current residence.

The Department states the application was denied because Claimant did not provide verification of 3 [REDACTED] accounts and Claimant's loss of employment at the [REDACTED] [REDACTED].

Obtaining verification of the previous [REDACTED] accounts and loss of employment is a proper requirement. These previous associations were not identified in the current application and were not specified in the Verification Checklist (DHS-3503) sent to Claimant. It is unreasonable to expect Claimant to know that the Department wanted verifications about the previous associations. Bridges Administration Manual (BAM) 130 Verification and Collateral Contacts (2014) at page 3 under obtaining verification for all programs states "tell the client what verification is required". Basic due process requires adequate notice of everything that must be provided to show eligibility.

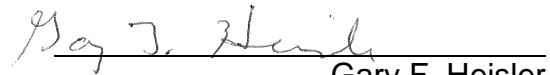
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it denied Claimant's June 24, 2014 Food Assistance Program application for failure to provide required verifications.

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 the June 24, 2014, Food Assistance Program application.
2. Process the application in accordance with Department policy to include specifying all verifications required.



Gary F. Heisler
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **9/8/2014**

Date Mailed: **9/8/2014**

GFH / hj

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:

