

**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.: 14-008337
Issue No.: 2003
Case No.: ██████████
Hearing Date: September 15, 2014
County: Oakland (03-Walled Lake)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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, an in-person hearing was held on September 15, 2014, from Walled Lake, Michigan. Participants on behalf of Claimant included Claimant. ██████████

████████████████████ appeared for the hearing for support only and provided no testimony or representation. Participants on behalf of the Department of Human Services (Department) included ██████████

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case?

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 July 1, 2014, a DHS-3503 (verification checklist) was issued to Claimant as part of a FAP benefit redetermination.
2. On July 11, 2014, Claimant failed to return requested verifications.
3. On July 14, 2014, the Department issued a notice of case closure based upon verifications requested not being returned.
4. On July 25, 2014, Claimant filed a hearing request to protest the closure of her FAP benefits.

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.

In the instant case, on July 1, 2014, the Department issued a verification checklist regarding Claimant's FAP benefits. The Department requested that Claimant verify assets and income. Claimant was given until July 11, 2014, to submit the requested verifications. Claimant testified she was unable to comply with the request for proof of income within the time given. Claimant testified she emailed the Department asking for an extension of time in which to submit requested verification and asked what income was being requested. On July 20, 2014, Claimant submitted all of the documents that were requested except for the income verification. Claimant testified she never received an answer to her question as to what the Department needed for proof of income until she attended her pre-hearing conference.

BAM 130 (July 2014), p. 3, indicates the Department is required to tell the client what verification is required, how to obtain it, and the due date. Further, BAM 130 indicates the client must obtain required verification, but the local office must assist if they need and request help.

This Administrative Law Judge finds credible Claimant's testimony that her request for an extension and her request for clarification regarding income was not answered by the Department. At the hearing, the Department was unable to refute Claimant's assertion she was not given an answer to her question until she was afforded a pre-hearing meeting with a supervisor. Until that point, Claimant was unclear as to what documents the Department needed to document her household income. Claimant clearly requested assistance regarding what income verifications were being requested and the Department failed to provide this assistance.

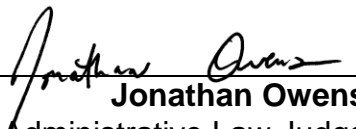
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when terminating Claimant's FAP benefits.

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. Process Claimant's FAP redetermination in accordance with policy;
2. Reinstate and supplement Claimant for FAP benefits back to case closure if determined eligible.


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

Date Signed: **9/23/2014**

Date Mailed: **9/23/2014**

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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]