

**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 008511
Issue No(s): 3001
Case No.: ██████████
Hearing Date: September 3, 2014
County: Macomb (20)

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 September 3, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant; █████ █████, Claimant's Authorized Hearing Representative. 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) benefits?

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 was an ongoing FAP recipient.
2. On May 13, 2014, the Department sent Claimant a Verification Checklist (VCL) requesting that he provide proof of electric and heating payments; current banking information and his green card by May 23, 2014.
3. Claimant returned the requested information on May 19, 2014.
4. The Department had no record of receipt of the requested information.

5. On July 21, 2014, the Department sent Claimant a Notice of Case Action notifying him that his FAP case would close effective September 1, 2014 for failure to allow the Department to verify information.
6. On June 28, 2014, Claimant filed a Request for Hearing disputing the Department's actions.

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. In this case, Claimant was an ongoing FAP recipient. The Department testified that on May 13, 2014 it sent Claimant a VCL requesting that he return proof of heating and electric bills, current bank statement and a copy of his green card. The proofs were due by May 23, 2014. The Department stated that Claimant failed to return the proofs and as a result, on July 21, 2014, it sent Claimant a Notice of Case Action notifying him that his FAP case would close effective September 1, 2014.

Claimant confirmed that he did not reapply for benefits and further stated that he had been receiving FAP benefits for more than one year and therefore the VCL was not generated as a result of an application. The Department was unable to articulate whether there were any reported changes. Further, the Department did not indicate that the VCL was generated as a result of a redetermination. Accordingly, there does not appear to be any reasonable explanation as to why Claimant was required to verify information. Further, Claimant stated that he returned all the requested information on or about May 19, 2014 and signed the log book prior to leaving the Department. The Department did not retrieve the log book for May 19, 2014 and was therefore unable to confirm or dispute Claimant's testimony that he signed the log book on that day. It is therefore found that although the verifications appear not to have been necessary, Claimant returned the requested information by the due date and as such, his FAP case should not have closed.

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 closed Claimant's FAP's benefits for failure to return proofs.

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 Claimant's FAP benefits effective September 1, 2014; and
2. Issue FAP supplements to Claimant that he was eligible to receive but did not effective September 1, 2014.



JACQUELYN A. MCCLINTON
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: September 10, 2014

Date Mailed: September 10, 2014

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides or has its principal place of business in the State, 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.

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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

JAM/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]