

**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.: 14-008780
Issue No(s): 3002
Case No.: ██████████
Hearing Date: September 04, 2014
County: Wayne (49)

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 September 4, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Assistance Payment Worker and ██████████, Family Independence Manager.

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. Claimant was an ongoing recipient of FAP benefits.
2. In connection with a Mid Certification review, Claimant's eligibility for FAP benefits was reviewed.
3. On June 21, 2014, the Department sent Claimant a Verification Checklist instructing him to submit requested verifications by July 1, 2014.
4. Claimant's FAP case closed effective September 1, 2014.
5. On August 5, 2014, Claimant submitted a hearing request 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, verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (April 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. Although the client must obtain the required verification, the Department must assist if a client needs and requests help. If neither the client nor the Department can obtain the verification despite a reasonable effort, the Department is to use the best available information; and if no evidence is available, the Department is to use its best judgment. BAM 130, p. 3.

With respect to FAP cases, 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.6-7. 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. 7.

In this case, the Department testified that in connection with a FAP Mid Certification review, the Department sent Claimant a VCL requesting that he submit proof of his checking account by July 1, 2014. (Exhibit 1). The Department stated that because it did not receive the requested verifications by the due date, it sent Claimant a Notice of Case Action on July 25, 2014, informing him that his FAP case would be closing based on a failure to verify. The Notice of Case Action was not presented for review at the hearing, so the exact reason for intended action was not verified, however, the Department presented an eligibility summary showing that the case closure was effective September 1, 2014. (Exhibit 2).

At the hearing, Claimant confirmed that he received the VCL and stated that he did not have a checking account, so he did not know what documents were being requested of him and that he did not understand the checklist. Claimant credibly testified that he attempted to contact his case worker several times to inquire about the VCL and what he should submit but was unable to reach her. Claimant indicated that his case worker's

voicemail box was full and he could not leave her a message. Claimant further testified that he met with his case worker after receiving the Notice of Case Action and at that time, he was notified of what documents were being requested of him. Claimant stated that around two weeks prior to the hearing, he went to the Department local office and submitted the bank account information detailing the direct deposit of his social security benefit in the drop box and signed the log. Claimant provided the documents submitted for review at the hearing. (Exhibit A). After reviewing the documents, the Department confirmed that they were sufficient verifications.

Therefore, under the facts in this case and based on the evidence presented, Claimant made a reasonable effort to provide the information requested by the Department and did not indicate a refusal to do so. BAM 130, p 6. In addition, because Claimant submitted the documents to the Department via the drop box prior to the negative action date, the Department should have deleted the negative action and reactivated Claimant's FAP case. BAM 220 (July 2014), p.12.

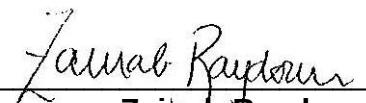
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it closed Claimant's FAP case effective September 1, 2014.

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 case effective September 1, 2014;
2. Issue supplements to Claimant for any FAP benefits that he was entitled to receive but did not from September 1, 2014, ongoing; and
3. Notify Claimant of its decision in writing.



Zainab Baydoun

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

Date Signed: September 9, 2014

Date Mailed: September 9, 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.

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

ZB/tlf

CC:

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