

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

IN THE MATTER OF:

████████████████████
████████████████████
████████████████████

Reg. No.: 14-009155
Issue No.: 3002
Case No.: ██████████
Hearing Date: September 10, 2014
County: Oakland-District 2

ADMINISTRATIVE LAW JUDGE: Darryl T. Johnson

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 10, 2014, from Madison Heights, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included Eligibility Specialist ██████████ and Assistance Payments Supervisor ██████████.

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 on-going FAP recipient.
2. Claimant submitted her semi-annual Contact Report on July 14, 2014, and reported that her income had remained at \$████████ per month but her rent had increased to \$████████ per month. (Exhibit 1 Pages 19-20.)
3. A Verification Checklist (VCL) was mailed on July 14, 2014 (Exhibit 1 Pages 17-18) requiring Claimant to produce verification of 30 days' of wages, along with her rent and utility expenses, by July 24, 2014.
4. Claimant provided a copy of one bi-weekly pay stub (Exhibit 1 Page 31), and a copy of part of her lease (Exhibit 1 Page 32). She did not provide copies of her utility bills.
5. On July 30, 2014, the Department processed her case and it was closed due to her failure to verify. (Exhibit 1 Pages 15-16.)

6. The Department received Claimant's hearing request on August 4, 2014.

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.

"Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms; see Refusal to Cooperate Penalties in this item. Clients must completely and truthfully answer all questions on forms and in interviews." BAM 105.

Per BAM 130, at page 6, says:

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email or Mi Bridges document upload), the date of the transmission is the receipt date. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a DHS representative are considered to be received the next business day.

Send a negative action notice when:

The client indicates refusal to provide a verification, **or**

The time period given has elapsed and the client has **not** made a reasonable effort to provide it.

The issue is whether the Claimant provided timely verification in response to the request. The evidence is persuasive that the VCL was mailed to the Claimant at her address of record. The evidence also establishes that the Claimant did not fully respond or make a reasonable effort to respond by the deadline. Because Claimant has not produced evidence to show that she responded timely and fully to the VCL, the undersigned is persuaded that Claimant did not comply timely, and did not make a reasonable effort to comply timely.

Claimant testified that she brought into the Department copies of her required documents, and someone from the Department scanned them. The Department only found one pay stub, and a copy of part of her lease. It will be noted that the pay stub

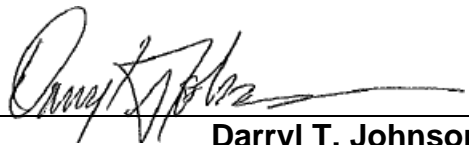
Claimant provided was for the pay period ending June 25, 2014. She began working January 28, 2014, so she had been employed for five months at that point. In those five months she had gross earnings of \$ [REDACTED] or approximately \$ [REDACTED] per month. Her net pay for the one pay period was \$ [REDACTED]. When Claimant submitted her semi-annual contact form she told the Department that her household's gross income had not changed more than \$ [REDACTED] from the previously-reported \$ [REDACTED] per month. When asked during the hearing why she did not report her change in income, she responded that she thought she only had to report net income. That answer is illogical. Her net income from just two weeks was more than \$ [REDACTED] so there is no credible reason that could support her conclusion.

It is also noted that Claimant's lease requires her to pay rent of \$ [REDACTED] per month. When she was asked how she could afford to pay \$1,350 per month for rent if her gross income were only \$ [REDACTED] per month, Claimant answered that her daughter and son-in-law were helping her pay her rent. She admitted that she withheld that information from the Department because she did not think she would get benefits if she reported that income. Claimant's testimony is not credible, and therefore her testimony that she provided the Department with copies of all of the required documents by the due-date is not believed.

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied Claimant's application for benefits.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



Darryl T. Johnson
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **9/12/2014**

Date Mailed: **9/12/2014**

DTJ/las

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:

