

**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.: 14-010906
Issue No.: 3003
Case No.: ██████████
Hearing Date: November 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 November 3, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Hearing Facilitator.

ISSUE

Did the Department properly deny Claimant's application for 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. On July 10, 2014, Claimant applied for FAP benefits
2. On July 11, 2014, the Department mailed Claimant a Verification Checklist (VCL) with the requested proofs due by July 21, 2014.
3. On July 25, 2014, Claimant contacted her assigned worker to advise that she was experiencing issues receiving her mail.
4. On July 25, 2014, the Department sent Claimant a second VCL with a due date of August 4, 2014.
5. Claimant failed to return all requested proofs by August 4, 2014.

6. On August 7, 2014, the Department sent Claimant a Notice of Case Action notifying her that her application for FAP benefits had been denied.

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.

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

As a preliminary matter, Claimant stated on the record that she wished to proceed to hearing regarding both FAP and MA benefits. Claimant's Request for Hearing only referenced her FAP benefits and therefore the undersigned only has jurisdiction over Claimant's FAP benefits. The Health Care Determination Notice was issued on August 7, 2014. Claimant was advised on the record that she only had 90 days to request a hearing regarding MA benefits and that the 90-day period would be expiring soon. As such, this decision will only address Claimant's FAP benefits.

Additionally, verifications are usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (July 2014), p. 1. In this case, Claimant applied for FAP benefits on July 10, 2014. On July 11, 2014, the Department indicated that it mailed Claimant a VCL with the requested proofs due by July 21, 2014. Claimant contacted her assigned worker to advise that she was experiencing issues receiving her mail. As a result, on July 25, 2014, the Department sent Claimant a second VCL with a due date of August 4, 2014. On August 4, 2014, Claimant's assigned worker reviewed the file and determined that some proofs had been sent but not all. As a result, Claimant's assigned worker called and left a message. The Department testified that no additional proofs were received and that a

Notice of Case Action was sent to Claimant notifying her that her application for FAP benefits had been denied.

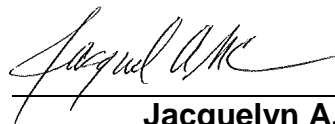
Claimant brought a folder to the hearing containing many documents. Claimant had information from Fidelity. Claimant also had the second page of her lease agreement which the Department stated that it did not receive. Claimant testified that she did not have her checking and savings information and did not have the second page of the Shelter Verification with her at the hearing. The VCL clearly requested Claimant's checking and savings account information and home rent expenses. Claimant was aware that FAP benefits closed due to missing proofs.

Claimant testified that she called her worker to see if anything else was needed but did not receive a return call. The Department provided evidence that Claimant returned incomplete documents or failed to return documents and therefore, it was unable to determine Claimant's eligibility. Claimant did not provide any proof that she ever submitted her checking/savings account information or that she ever submitted a completed Shelter Verification. Therefore, it is found that the Department properly denied Claimant's July 10, 2014 application for FAP benefits.

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 acted in accordance with Department policy when it denied Claimant's July 10, 2014 application for FAP benefits.

DECISION AND ORDER

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



Jacquelyn A. McClinton
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **11/6/2014**

Date Mailed: **11/6/2014**

JAM / cl

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]