

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

IN THE MATTER OF:

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

Reg. No.: 14-011974
Issue No.: 3002
Case No.: ██████████
Hearing Date: October 16, 2014
County: Macomb (20-Warren)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 October 16, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████
████████████████████

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case for failure to verify requested information?

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 redetermination in which Claimant notified the Department that she no longer worked for ██████████ (Employer), the Department sent Claimant a Verification Checklist (VCL) on August 11, 2014, requesting, among other things, verification of her loss of employment with Employer by August 21, 2014.
3. The Department did not receive the requested verification concerning Claimant's loss of employment with Employer by the due date.

4. On August 28, 2014, the Department sent Claimant a Notice of Case Action notifying her that her FAP case was closing effective September 1, 2014, because she had failed to verify requested information.
5. On September 15, 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, the August 28, 2014, Notice of Case Action notified Claimant that her FAP case would close effective September 1, 2014, because she failed to verify her loss of employment, rental expense and earned income payment. At the hearing, the Department acknowledged receiving the verifications concerning Claimant's rent and earned income and testified that the sole basis for the closure of Claimant's FAP case was her failure to return verification of her end of employment with Employer.

Department policy requires verification of income that decreases or stops. BEM 500 (July 2014), p. 12; BEM 501 (July 2014), p. 9. Therefore, when Claimant informed the Department that her employment with Employer had ended, the Department acted in accordance with Department policy when it sent Claimant the August 11, 2014, VCL requesting, among other things, verification of her loss of employment with Employer. The VCL specified that verification could be established through employment records, employer statement, or DHS-38 verification of employment form. Claimant acknowledged receiving the VCL and contended that she asked Employer's corporate office for verification of her end of employment but did not receive any response.

The client has primary responsibility for obtaining verification. BEM 500, p. 12; BEM 501, p. 9. The Department's local office must assist the client if the client needs and requests help. BAM 130 (July 2014), p. 3. If neither the client nor the local office can obtain verification despite a reasonable effort, the Department must use the best available information, and, if **no** evidence is available, the Department must use its best judgment. BAM 130, p. 3. The Department may not deny assistance based solely on an employer refusing to verify income. BEM 500, p. 12; BEM 501, p. 9.

In this case, the evidence at the hearing established that Claimant did not notify the Department that the Employer was not cooperative with her request until, at the earliest, September 5, 2014, which was after the August 21, 2014, VCL due date, after the August 28, 2014, Notice of Case Action was sent to Claimant notifying her that her FAP case was closing, and after the case closed on September 1, 2014. In the absence of any request from Claimant to the Department for assistance in obtaining the verification of loss of employment prior to VCL due date or case closure, the Department did not have an obligation to assist Claimant in obtaining the requested verification.

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 closed Claimant's FAP case effective September 1, 2014 for failure to verify loss of employment.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **10/20/2014**

Date Mailed: **10/20/2014**

ACE / pf

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]