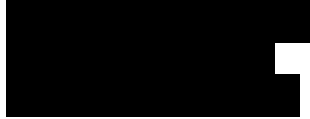


**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 14-015848
Issue No.: 3002; 1002
Case No.: [REDACTED]
Hearing Date: December 16, 2014
County: MACOMB-DISTRICT 20

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the 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 December 16, 2014, from Lansing, Michigan. Participants on behalf of the Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Hearing Facilitator, [REDACTED].

ISSUE

Did the Department properly deny Claimant's application for Family Independence Program (FIP) and Food Assistance Program (FAP) and close Claimant's case FAP?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Sometime in July or August 2014, the Claimant applied for FIP and FAP benefits.
2. On September 10, 2014, the Department denied Claimant's application due to her failure to submit the required verifications.
3. After the Department's denial, the Claimant moved to another county. She again applied for FIP and FAP benefits. She was approved for FAP and her FIP application was being processed; however, benefits are not paid until at least 30 days after the application date for FIP.
4. On October 1, 2014, the Claimant's FAP case closed due to her failure to return the required verifications; however, the Claimant was given another extension until November 7, 2014 to submit a DHS-54, medical needs form.
5. On October 20, 2014, the Claimant filed a hearing request, protesting the Department's actions.

CONCLUSIONS OF LAW

The Claimant was informed that the Administrative Law Judge has no jurisdiction to hear the denial of her FIP application that occurred on October 30, 2014 because that happened 10 days after she submitted her hearing request. The Claimant was informed that if she still wish to protest the FIP denial of October 30, 2014, she would have to request another hearing regarding that issue.

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

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 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

Additionally, Bridges Assistance Manual (BAM) 130 (2014) p. 2 provides that the Department worker tell the Claimant what verification is required, how to obtain it and the due date by using either a DHS-3503 Verification Checklist, or for MA determinations, the DHS-1175, MA Determination Notice to request verification. In this case, the Department did exactly that. The Claimant failed to submit verification of her checking account and her completed DHS-54, Medical Needs form. The Claimant testified that she informed her worker before the September 10, 2014 denial, that she had no checking account. The Claimant asserted that she faxed or completed DHS-54, Medical Needs form to her worker. The case notes contained in Exhibit 2 of the Department's exhibits indicate that the Claimant did not report that she had no checking account until October 20, 2014. Furthermore, the documents submitted by the Claimant as Claimant's Exhibit A clearly demonstrate that she was not in the hospital during the times that she testified to on the record. Lastly, in the documents that the Claimant did submit there is no completed DHS-45, Medical Needs form.

Regarding the October 1, 2014, FAP closure, the Claimant testified that she could not submit her verification because she was in the hospital from October 8 to October 20 and then again from November 1 to November 20 of 2014 due to her high risk pregnancy. Part of Claimant's Exhibit A indicates that the Claimant was not in the hospital until October 11, 2014. Furthermore, the Department's case notes indicate that the Claimant was actually in the local office on October 20, 2014 to drop off her hearing request, but she failed to wait to discuss her case with her worker and failed to therefore pick up another DHS-54, Medical Needs form, even though she still had 10 days to do so before her case closed. If being in the hospital did not prevent the Claimant from

promptly submitting her hearing request, it should not have prevented the Claimant from promptly submitting the required verification. As it is completely inconsistent with other evidence in the record, including her own exhibits, the Claimant's testimony is found to be less than credible.

Bridges Assistance Manual (BAM) 130 (2014) p. 5 provides that verifications are considered to be timely if received by the date they are due. It instructs Department workers to send a negative action notice when the Claimant indicates a refusal to provide a verification, or when the time period given has elapsed and the Claimant has not made a reasonable effort to provide it. In this case, the Administrative Law Judge determines that the time period to submit the verification had lapsed, even after at least two extensions, and the Claimant still made no reasonable effort to provide the verification. As such, the Administrative Law Judge concludes that the Department has met its burden of establishing that it was acting in accordance with policy when taking action to deny the Claimant's FIP and FAP application for failure to submit the required verification on September 10, 2014. Also, the Administrative Law Judge concludes that the Department has met its burden of establishing that it was acting in accordance with policy when taking action to close the Claimant's FAP case on October 1, 2014 for failure to submit the required verification.

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 took action to deny the Claimant's application for FIP and FAP on September 10, 2014 and when the Department took action to close the Claimant's FAP case on October 1, 2014.

DECISION AND ORDER

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



Susanne E. Harris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **12/19/2014**
Date Mailed: **12/19/2014**

SEH/hj

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 48909-8139

cc:

