

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-018906
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: February 04, 2015
County: SAGINAW

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 February 4, 2015, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case based on a failure to comply with verification requirements?

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's FAP case was due for a Redetermination in June 2014.
2. On May 13, 2014, a DHS 1010 Redetermination Form was issued to Claimant with a due date of June 3, 2014, as well as notice of an interview scheduled for June 3, 2014, at 1:30 pm.
3. On June 9, 2014, DHS 1010 Redetermination Form was re-printed and issued to Claimant.
4. On June 19, 2014, the completed DHS 1010 Redetermination Form was returned.
5. On June 30, 2014, the Redetermination interview was completed.
6. On June 30, 2014, a DHS 3503 Verification Checklist was issued to Claimant stating what verifications were needed by the July 10, 2014, due date.

7. On July 24, 2014, a DHS 1605 Notice of Case Action was issued to Claimant stating the FAP case closed effective July 1, 2014, based on a failure to provide verifications.
8. On July 30, 2014, Claimant requested a hearing contesting 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.

The Department of Human Services must periodically redetermine or renew an individual's eligibility for active programs. The redetermination process includes thorough review of all eligibility factors. Redetermination, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs. BAM 210, 7-1-2014, p. 1.

A Claimant must cooperate with the local office in determining initial and ongoing eligibility, including completion of necessary forms, and must completely and truthfully answer all questions on forms and in interviews. BAM 105, 4-1-2014, p. 6.

Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. Verifications are considered timely if received by the date they are due. The Department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested verification. The Department worker must tell the client what verification is required, how to obtain it, and the due date. The client must obtain required verification, but the Department must assist if they needs and requests help. If neither the client nor the local office can obtain verification despite a reasonable effort, the Department worker should use the best available information. If no evidence is available, the Department worker is to use their best judgment. The Department is to 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. For FAP only, if the client contacts the Department prior to the due date requesting an extension or assistance in obtaining verifications, the Department worker must assist them with the verifications but not grant an extension. The Department worker is to explain to the client they will

not be given an extension and their case will be denied once the due date is passed and that their eligibility will be determined based on their compliance date if they return required verifications. The Department worker is to re-register the application if the client complies within 60 days of the application date. BAM 130, 7-1-2014, pp. 1-7.

For FAP, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. If the client does not begin the redetermination process, allow the benefit period to expire. The redetermination process begins when the client files a DHS-1171, Assistance Application; DHS-1010, Redetermination; DHS-1171, Filing Form; DHS-2063B, Food Assistance Benefits Redetermination Filing Record. See; Subsequent Processing in this item. BAM 210, p. 2.

Subsequent Processing. If a client files an application for redetermination before the end of the benefit period, but fails to take a required action, the case is denied at the end of the benefit period. Proceed as follows if the client takes the required action within 30 days after the end of the benefit period: (1) re-register the redetermination application using the date the client completed the process; (2) if the client is eligible, prorate benefits from the date the redetermination application was registered. BAM 210 pp. 17-18.

In this case, Claimant's FAP case was due for Redetermination. On May 13, 2014, a Redetermination Form was issued to Claimant with a due date of June 3, 2014, to return the completed form as well as notice of an interview scheduled for June 3, 2014, at 1:30 pm. On June 9, 2014, DHS 1010 Redetermination Form was re-printed and issued to Claimant.

The Department witness testified that the completed DHS 1010 Redetermination Form was returned late on June 19, 2014, and the Redetermination interview was completed on June 30, 2014.

On June 30, 2014, a DHS 3503 Verification Checklist was issued to Claimant stating what verifications were needed by the July 10, 2014 due date. Requested verifications included proofs for: self-employment, receipt of the home heating credit payment, receipt of Michigan Energy Assistance Program payments, savings account, donation or contribution from an individual outside the group, and home rent. The Department witness testified that on July 9, 2014, only some of the requested verifications were provided.

It was uncontested that Claimant did not return the all requested proofs. For example, one of the requested verifications was for donation or contribution from an individual outside the group. Acceptable proof would be a letter or document from the person/agency making the payment. Claimant acknowledged that his brother sent him money but was unwilling to put anything in writing.

The evidence shows that Redetermination was not able to be completed before the end of the benefit period due to the Redetermination Form being returned late, the Redetermination interview being completed late, and the need for additional

verifications. Further, Claimant did not return all requested verifications by the July 10, 2014, due date from the June 30, 2014, Verification Checklist.

Ultimately, the BAM 220 policy specifies that FAP benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. Accordingly, the FAP case had to close at the end of June 2014, the end of the prior benefit period, because the Redetermination was not completed to certify a new benefit period.

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 based on a failure to comply with the verification requirements.

DECISION AND ORDER

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



Colleen Lack
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **2/11/2015**

Date Mailed: **2/11/2015**

CL/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:

