

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-019100
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: February 3, 2015
County: Kent (1) Franklin

ADMINISTRATIVE LAW JUDGE: Darryl 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 February 3, 2015, from Lansing, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included Hearings Facilitator [REDACTED] and Assistance Payments Supervisor [REDACTED].

ISSUE

Did the Department properly determine Claimant's allotment of 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 recipient of FAP.
2. On October 1, 2014, the Department mailed to her a Semi-Annual Contact Review form which she was to complete and return by November 1, 2014. That form (Exhibit A Pages 7-8) advised her that she was to return it to her specialist "**with proof of changes** by 11/01/2014 or [her] Food Assistance case will close effective 11/30/2014." (Emphasis in original.)
3. Claimant returned the form on November 5, 2014, and reported a change of address and rent expense, but she did not submit a copy of her new lease.

4. Because Claimant did not verify her new shelter expense, no shelter expense was included in her budget for FAP beginning December 1, 2014, causing her FAP to be reduced for December 2014.
5. On December 1, 2014, a Verification Checklist (VCL) was mailed to Claimant instructing her to verify her income and her shelter expense.
6. Claimant submitted acceptable verification of income and shelter on December 2, 2014.
7. On December 4, 2014, the Department updated Claimant's FAP budget, and her FAP was increased beginning January 1, 2015, to reflect her reduced income and increased shelter expense.
8. A help desk ticket was submitted to provide Claimant with a \$█ FAP supplement for December 2014.
9. The Department received Claimant's hearing request on December 26, 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.

The issue is whether the Claimant provided the Department with timely verification of her new rent expense. In BEM 554 (10/1/14) the policy states at page 14:

Verify shelter expenses at application and when a change is reported. If the client fails to verify a reported change in shelter, remove the old expense until the new expense is verified.

Because Claimant did not verify her change in shelter expense, the old expense had to be removed from her budget until it was verified.

Ultimately, Claimant verified her income and shelter expense. BEM 556 (7/1/13) at page 7 instructs the Department that:

“For a change - The effective date is the first day of the month that a change is reflected in the FAP group’s issuance.”

Claimant testified that she did not know she had to verify her shelter expense and, had she been instructed that she had to provide a copy of her lease, she would have submitted it before December. However, the Redetermination form itself instructed her that she needed to provide verification. Since she did not verify the changes until after the December award was determined, the change was not effective until the following month.

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 reduced Claimant’s FAP for December 2014.

DECISION AND ORDER

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



Darryl Johnson
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **2/5/2015**

Date Mailed: **2/5/2015**

DJ/jaf

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:

