

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-10796
Issue No(s): 3002
Case No.: [REDACTED]
Hearing Date: December 5, 2013
County: Washtenaw County DHS

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 December 5, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED] the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED] Assistance Payments Supervisor, and [REDACTED] [REDACTED] Eligibility Specialist.

ISSUE

Did the Department properly close the Claimant's Food Assistance Program (FAP) case because requested verifications were not returned?

FINDINGS OF FACT

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

1. The Claimant was an ongoing recipient of FAP benefits.
2. The Claimant's FAP case was due for Redetermination in October 2013.
3. On October 10, 2013, a Verification Checklist was issued to the Claimant stating what verifications were needed by the October 21, 2013, due date.
4. On October 28, 2013, the Claimant provided some of the requested verifications.
5. On October 29, 2013, the Department issued a Notice of Case Action to the Claimant stating the FAP case would close effective November 1, 2013, because the Claimant failed to return required verifications.

6. On November 8, 2013, the Claimant filed a request for hearing protesting the Department's action.

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 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, 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.

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. For FAP, 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. BAM 130.

For FAP, if the client contacts the Department prior to the due date requesting an extension or assistance in obtaining verifications, the Department must assist them with the verifications but not grant an extension. The Department worker must explain to the client they will not be given an extension and their case will be denied once the due date is passed. Also, the Department worker shall explain their eligibility and it will be determined based on their compliance date if they return required verifications. BAM 130.

Benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. 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. BAM 210.

On September 16, 2013, a Redetermination form was issued to the Claimant listing a due date of October 1, 2013 for returning the form with any required verifications as well as notice of a telephone appointment scheduled for October 1, 2013. On October 1, 2013, a Notice of Missed Interview was issued to the Claimant. The telephone interview was rescheduled and completed on October 10, 2013.

After the telephone interview was completed on October 10, 2013, the Department issued a Verification Checklist to the Claimant stating what verifications were needed by the October 21, 2013, due date. Specifically, the Department requested verification of donation or contribution from an individual outside the group for the Claimant's daughter and verification of the Claimant's checking account. The Claimant did not return any verifications by the October 21, 2013, due date.

On October 28, 2013, the Claimant returned the banking verification. The Claimant testified the Eligibility Specialist had told her this was needed during the October 10, 2013, interview. The Claimant stated she called the Eligibility Specialist and left a message that it would take additional time to obtain the banking verification. The Claimant turned the banking verification into the Department as soon as she received it in the mail from the bank.

However, the Claimant acknowledged that she received the October 10, 2013 Verification Checklist, which also requested the verification of donation or contribution from an individual outside the group for the Claimant's daughter. The Claimant questioned why this verification was requested regarding her daughter. The Claimant stated her daughter does not receive any donations or contributions from an individual outside the group.

The Claimant's testimony indicated that after she received the Notice of Case Action, she called the Eligibility Specialist and left a message reporting that she had turned in requested verification on October 28, 2013. The Claimant testified that at that time she also spoke with a supervisor about the verification requested for her daughter.

The Eligibility Specialist explained that at the time the October 10, 2013, Verification Checklist was issued, the Claimant's daughter had recently filed an application for FAP indicating she lived with the Claimant and it was indicated that she received donations or contributions. The Eligibility Specialist also testified that it was not until November 25, 2013, that the Claimant's daughter filed a subsequent FAP application stating she is homeless.

The evidence establishes that while the Claimant returned the bank verification within the subsequent processing time period for the October 2013 Redetermination of the Claimant's FAP case, but did not provide all requested verifications. The Claimant failed to provide anything to the Department in response to the request for verification of donation or contribution from an individual outside the group for the Claimant's daughter. The Claimant acknowledged that she received the October 10, 2013, Verification Checklist requesting this information. The Eligibility Specialist credibly testified that at that time, the Department had received a recent FAP application from the Claimant's daughter stating she lived in the home and received donations/contributions. The Claimant did not provide either the requested verification of donations/contributions her daughter receives or any explanation why this was not provided, such as a statement that the daughter does not receive any donations/contributions or does not live in the home. Accordingly, the Claimant failed to

provide all required verifications by the October 21, 2013, due date or even within the subsequent processing time period for the October 2013 Redetermination.

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 the Claimant's FAP case because requested verifications were not returned.

DECISION AND ORDER

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

/s/
Colleen Lack
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: December 9, 2013

Date Mailed: December 10, 2013

NOTICE OF APPEAL: The claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely Request for Rehearing or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted 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 Department, AHR or the claimant 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 the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

201410796/CL

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

CL/hj

cc:

