

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

IN THE MATTER OF:

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Reg. No.: 2014-10993
Issue No(s): 3002
Case No.: ██████████
Hearing Date: December 5, 2013
County: SSPC-EAST (98)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 three way telephone hearing was held on December 5, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Assistance Payment Supervisor.

ISSUE

Did the Department properly deny Claimant's Food Assistance Program (FAP) application based on a 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. On October 3, 2013, Claimant submitted an application for expedited FAP benefits.
2. On October 9, 2013, the Department sent Claimant a Notice of Case Action informing her that she was approved for expedited FAP benefits of \$187 for the period of October 3, 2013, through October 31, 2013. (Exhibit 1, pp.6-12)
3. On October 9, 2013, the Department sent Claimant a Verification Checklist requesting that she submit proof of her self-employment income by October 21, 2013. (Exhibit 1, pp.13-14)

4. On October 23, 2013, the Department sent Claimant a Notice of Case Action informing her that for November 1, 2013, ongoing, she was denied FAP benefits based on her failure to submit requested verifications. (Exhibit 1, pp.21-26)
5. On November 1, 2013, Claimant submitted a hearing request 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 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, verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (July 2013), p.1. To request verification of information, the Department sends a Verification Checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, pp. 2-3. FAP clients are given 10 calendar days to provide the verifications requested by the Department. Verifications are considered to be timely if received by the date they are due. BAM 130, pp.5-6. For FAP cases, the Department sends a negative action notice when the client indicates a refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 6.

In this case, in connection with the application submitted on October 3, 2013, the Department sent Claimant a VCL requesting that verification of Claimant's self-employment income and expense statements for the months of [REDACTED] and [REDACTED], be returned to the Department by [REDACTED]. At the hearing, the Department testified that because Claimant did not submit the requested verifications by the due date, on [REDACTED] sent Claimant a Notice of Case Action informing her that effective [REDACTED], she would be denied FAP benefits on the basis that she did not provide the Department with the requested verifications.

At the hearing, Claimant confirmed that she received the VCL and stated that she submitted the completed self-employment and expense forms and two business receipts to the Department but could not recall the exact date. Claimant indicated that she submitted documents on two occasions, once at the end of [REDACTED] and once at the beginning of [REDACTED].

The Department confirmed that it received two business receipts on [REDACTED], and self-employment income and expense forms on [REDACTED], however, the income and expense forms were not signed, so they were not processed.

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 because the Department did not receive the requested verifications by the due date, the Department acted in accordance with Department policy when it denied Claimant's FAP benefits effective [REDACTED], based on a failure to verify requested information. Claimant may submit a new application for FAP benefits, if she so chooses.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Zainab Baydoun

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.

2014-10993/ZB

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

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

ZB/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]