

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201412612
Issue No.: 3002, 3004
Case No.: [REDACTED]
Hearing Date: January 29, 2014
County: Montcalm County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 January 29, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED] and [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly processed the Claimant's application to the Food Assistance Program (FAP)?

FINDINGS OF FACT

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

1. The Claimant submitted a Food Assistance Program (FAP) application to the Department on September 16, 2013.
2. On September 27, 2013, the Department sent the Claimant a Verification Checklist (DHS-3503) with a due date of October 7, 2013.
3. On October 14, 2013, the Department notified the Claimant that it had denied her application for Food Assistance Program (FAP) benefits.
4. On October 17, 2013, the Department received verification of the Claimant's loss of employment.

5. On October 17, 2013, the Department notified the Claimant that it had reinstated her request for Food Assistance Program (FAP) benefits effective October 17, 2013.
6. The Department received the Claimant's request for a hearing on November 8, 2013, protesting the Department's failure to issue Food Assistance Program (FAP) benefits from September 16, 2013, through October 17, 2013..

CONCLUSIONS OF LAW

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.

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (March 1, 2013), p 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Department of Human Services Bridges Assistance Manual (BAM) 130 (May 1, 2012), p 1. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

Reinstatement restores a closed program to active status without completion of a new application. Closed programs may be rein-stated for any of the following reasons:

- Closed in error.
- Closed-correct information not entered.
- Timely hearing request.
- Redetermination packet not logged in.
- Hearing decision ordered reinstatement.
- Complied with program requirements before negative action date.
- DHS-1046 manually sent and due date is after the last day of the 6th month.

- Court ordered reinstatement. Department of Human Services Bridges Administrative Manual (BAM) 205 (July 1, 2013), pp 1-3.

The Department will re-register the Food Assistance Program (FAP) application if the client complies within 60 days of the application date. Department of Human Services Bridges Administrative Manual (BAM) 130 (January 1, 2014), p 6.

The Department will proceed as follows when a client completes the application process after denial but within 60 days after the application date:

On or before the 30th day:

- Re-register the application, using the original application date.
- If the client is eligible, determine whether to prorate benefits according to initial benefits policy in this item.

Between the 31st and 60th days:

- Re-register the application, using the date the client completed the process.
- If the client is eligible, prorate benefits from the date the client complied. Department of Human Services Bridges Administrative Manual (BAM) 115 (January 1, 2014), p 23.

In this case, the Claimant submitted an application for Food Assistance Program (FAP) benefits on September 16, 2013. On September 27, 2013, the Department sent the Claimant a Verification Check list (DHS-3503) with a due date of October 7, 2013. The Department had requested verification of ending employment. On October 14, 2013, the Department had not received the information it had requested from the Claimant, and sent her notification that she had denied her application for assistance.

On October 17, 2013, the Department received verification of the Claimant's ending employment. On October 17, 2013, the Department re-instated the application for Food Assistance Program (FAP) that had been previously denied, and notified the Claimant that she was eligible for benefits as of that date.

The Claimant argued that she was eligible for Food Assistance Program (FAP) benefits as of her original application date.

Based on the evidence and testimony available during the hearing, this Administrative Law Judge finds that the Claimant had a duty to provide the Department with information necessary to determine her eligibility for the Food Assistance Program (FAP). The Claimant failed to provide the necessary information in a timely manner. The Claimant eventually provided this information 31 days after her original application for benefits.


Therefore, the Department properly applied BAM 115 to the Claimant's circumstances when it issued Food Assistance Program (FAP) benefits as of October 17, 2013, which was the day the Claimant complied with the Department's request for information.

DECISION AND ORDER

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 determined that the Claimant's initial eligibility period for the Food Assistance Program (FAP) was October 17, 2013, and not the date of application..

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

Kevin


Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: January 31, 2014

Date Mailed: February 3, 2014

NOTICE OF AP PEAL: 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;

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- 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

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

KS/hj

cc:

